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federal register

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Thursday, October 28, 1982

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Nuclear Regulatory Commission

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Unified Agenda of Federal Regulations—Books 2 and 3

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Agricultural Marketing Service

Air Pollution Control
Environmental Protection Agency

Anchorage Grounds
Coast Guard

Aviation Safety
Federal Aviation Administration

Fisheries
National Oceanic and Atmospheric Administration

Flood Insurance
Federal Emergency Management Agency

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Grant Programs—Education
Education Department

Insurance Companies
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Marine Mammals
National Oceanic and Atmospheric Administration

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

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Motor Vehicle Safety
National Highway Traffic Safety Administration

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Federal Energy Regulatory Commission

Navigation (Water)
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Presidential Documents

Title 3—

The President

Executive Order 12390 of October 25, 1982

Delegation to the Secretary of State

By the authority vested in me as President of the United States of America by Section 301 of Title 3 of the United States Code, in order to assign certain functions to the Secretary of State, it is hereby ordered as follows:

Section 1. The functions vested in the President by Section 306 of the Supplemental Appropriations Act of 1982 (Public Law 97–257) are delegated to the Secretary of State.

Sec. 2. Before making the determination and providing the written reports referred to in that Section 306, the Secretary of State shall confer with the Secretary of the Treasury and, as appropriate, with the Secretary of Agriculture and the heads of other interested Executive agencies.

Sec. 3. Similar functions vested in the President by Section 205 of Public Law 97–216 were delegated to the Secretary of State. The performance by the Secretary of State of those functions is confirmed and ratified.

Ronald Reagan

THE WHITE HOUSE,
October 25, 1982.

[FR Doc. 82–29799
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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 46

Increase of License Fees Under the Perishable Agricultural Commodities Act and Clarification of Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service increases its fee for licenses issued under the Perishable Agricultural Commodities Act from the current $150 basic fee, plus $50 for each branch in excess of nine with a maximum fee of $1,000 to a $180 basic fee, plus $72 for each branch in excess of nine with a maximum fee of $1,200. The license fees recovered through this program are used to defray all program costs except those for certain legal services.

The regulation relating to license requirements for dealers who purchase potatoes for processing is also revised to reflect a statutory amendment.

EFFECTIVE DATE: This final rule is effective October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Michael D. Price, Regulatory Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–4180.

SUPPLEMENTARY INFORMATION: On July 16, 1982, Agricultural Marketing Service published a proposed rule (47 FR 30997) concerning this amendment. Interested persons were given until September 10, 1982, to submit comments. Four comments were received. All expressed strong support for the license fee increase. In addition, one suggested that licensing activities be increased to generate additional revenue.

Summary of Final Evaluation

These regulations have been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and have been classified nonmajor because they do not meet any of the criteria identified under the Executive Order. These actions will not have an annual effect on the economy of $100 million or more nor will they have a major increase in prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. These actions 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. This rule also has been reviewed with regard to the requirements of Pub. L. 96–354. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that these proposed rules do not have a significant economic impact on a substantial number of small entities.

The Administrative Procedure Act, (5 U.S.C. 553(d)), requires that publication of a rule shall be made not less than 30 days before its effective date. Exceptions to this provision may be made for good cause found and published with the rule. The increase in the license fee level was established by Pub. L. 97–98 due to a short fall in the funding of the PACA. It is imperative that the fee increase be effective October 1, 1982, in order to collect fees at the new level starting November 1, 1982. The increased revenue is necessary to continue administration of the program and provide service to the Fruit and Vegetable Industry, and any delay will pose a substantial risk that there will not be sufficient funds to administer the program. The amendment to the definition of the term "dealer", is mandated by statute. It is a non-substantive procedural change and, therefore, is also excepted from the 30-day notice provision.

The Perishable Agricultural Commodities Act (PACA) was enacted by Congress in 1930 to curb abuses in the marketing of perishable agricultural commodities in interstate and foreign commerce. The Act establishes a code of fair trade and provides for the enforcement of contracts. The law is enforced through a system of licensing. Commission merchants, dealers and brokers are required to be licensed. The license fees recovered through this program are used to defray all program costs except those for certain legal services.

License Fee

On December 22, 1981, the statutory ceiling on license fees was amended by Pub. L. 97–98 to authorize the establishment of fee levels that would permit sufficient revenues to cover annual operational costs for at least four years, not to exceed a $300 basic fee, plus $150 for each branch in excess of nine with a $3,000 ceiling. No additional fee is required for establishments which have from one to nine branches. The present level is $150 basic fee, plus $50 for each branch in excess of nine with a $1,000 ceiling. The new level will be $180 basic fee, plus $72 for each branch in excess of nine with a $1,200 ceiling. The increase is expected to provide sufficient funds to cover operational costs through fiscal year 1983.

Dealer

The term dealer defines persons engaged in the business of buying or selling produce in wholesale or jobbing quantities in commerce who are subject to license. However, there has been a specific exemption for persons buying produce for canning and/or processing within the State where grown, whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice, or consists of cherries in brine. On November 1, 1978, that exemption was removed by Pub. L. 95–562, for persons buying potatoes for processing within the State where grown. The change became effective January 1, 1982. These persons are now subject to license as dealers, and the regulation is being amended to reflect this. Persons who purchase commodities *other than potatoes* as defined under the exemption are still not subject to license for those transactions.

List of Subjects in 7 CFR Part 46

Administrative practice and procedure, Perishable, Agricultural Commodities Act.

In view of the foregoing, 7 CFR 46.2 and 46.6 are amended as follows:

1. 7 CFR 46.2 is amended by revising paragraph (m)(3) and adding paragraph (m)(4).

§ 46.2 Definition.

* * * * *

(m) "Dealer" means any person engaged in the business of buying or selling in wholesale or jobbing quantities in commerce and includes:

* * * * *

(3) Growers who market produce grown by others.

(4) The term "dealer" does not include persons buying produce, other than potatoes, for canning and/or processing within the State where grown, whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen, or packed in ice, or consists of cherries in brine.

* * * * *

2. 7 CFR 46.6 is revised to read as follows:

§ 46.6 License fee.

The annual license fee is one hundred and eighty (180) dollars plus seventy-two (72) dollars for each branch or additional business facility operated by the applicant exceeding nine. In no case, shall the aggregate annual fees paid by any applicant exceed one thousand two-hundred (1,200) dollars. The Director may require that the fee be submitted in the form of a money order, bank draft, Cashier's Check, or certified check made payable to Agricultural Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

Done at Washington, D.C., on October 25, 1982.

Vern F. Highley,

Administrator, Agricultural Marketing Service.

[FR Doc. 82-29738 Filed 10-27-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Pan American World Airways, Inc., and Rich International Airways, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Rich International Airways and Pan American World Airways to the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States.

DATES: The effective date of the agreement with Rich International Airways, Inc. is October 17, 1982 for flights from Freeport, Bahamas and October 18, 1982 for flights from Nassau, Bahamas. The effective date of the agreement with Pan American World Airways, Inc. is October 18, 1982 for flights originating at Freeport, Bahamas.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: The Commissioner of the Immigration and Naturalization Service entered into agreements with the following carriers to provide for the preinspection of their passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)):

	Effective
At Freeport, Bahamas:	
Pan American World Airways, Inc.	Oct. 18, 1982.
Rich International Airways, Inc.	Oct. 17, 1982.
At Nassau, Bahamas:	
Rich International Airways, Inc.	Oct. 18, 1982.

Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds air carriers to the present listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 553 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Accordingly, 8 CFR Part 238 is amended as follows:

§ 238.4 [Amended]

Section 238.4 is amended as follows:

1. Add in alphabetical order, "Pan American World Airways, Inc." and "Rich International Airways, Inc." under "At Freeport."

2. Add "Rich International Airways, Inc." under "At Nassau."

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: October 22, 1982.

Marvin Gibson,

Acting Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 82-29732 Filed 10-27-82; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Delegation to Commission Secretary

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to allow the Commission's Secretary to perform certain functions previously performed by the Commission itself. Specifically, these amendments will allow the Secretary to rule on certain requests for hearings, to refer certain requests for hearings to the Atomic Safety and Licensing Board Panel, and to take action on minor procedural matters. These amendments will allow the Commission to act on these matters more expeditiously.

EFFECTIVE DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Michael B. Blume, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: 202/634-3224.

SUPPLEMENTARY INFORMATION:

I. Background and Action Taken

Under section 201(a)(1) of the Energy Reorganization Act of 1974, 42 U.S.C. 5841(a)(1), the Commission is required to meet to take formal actions. This has required the Commission to meet to dispose of non-substantive hearing requests, and to perform certain other minor ministerial functions. Both to minimize time spent on minor matters and to expedite the decisional process by eliminating the need for a Commission meeting, the Commission has previously delegated certain functions to its Secretary, who has the authority to act for it. 10 CFR 2.772. The Secretary is thus authorized, among other things, to rule on certain requests for extensions of time to file pleadings. 10 CFR 2.772(b). The Commission has decided to transfer additional authority

to the Secretary, who shall act after consulting with the General Counsel and the Commission. Therefore, the Commission is amending 10 CFR 2.772 to allow the Secretary to:

1. Deny hearing requests which both fail to comply with the Commission's pleading requirements and fail to raise genuine issues. The Secretary will now, for example, be able to dispose of requests for hearings on matters not within the Commission's jurisdiction *and* not containing allegations of interest required by 10 CFR 2.714.

2. Refer requests for hearings, where the requester is entitled to a hearing as a matter of right, to the Atomic Safety and Licensing Board Panel or an Administrative Law Judge. This will allow the Secretary, for example, to refer to the Licensing Board Panel requests for hearings by licensees in response to Commission orders to show cause. *See* 10 CFR 2.202(c).

3. Rule on minor procedural matters.

II. Statement Regarding Notice and Comment

Because these amendments concern minor procedural matters, i.e., rules of agency procedure and practice, good cause exists for finding that the notice-and-comment procedures of the Administrative Procedures Act, 5 U.S.C. 553, are unnecessary and for making the amendment effective on publication in the **Federal Register.**

III. Statement Regarding Paperwork Reduction Act

These amendments dealing with delegations of authority from the Commission to its Secretary have no application/reporting/recordkeeping or other information collection requirements and, as such, are not subject to the requirements of the Paperwork Reduction Act of 1981, 44 U.S.C. 3501–3520.

IV. List of Subjects in 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

The authority citation for this document is: Sec. 161, Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201).

For the reasons set forth in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552, 553, the Nuclear Regulatory Commission adopts the following amendments to 10 CFR Part 2, published as a document subject to codification.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

In § 2.772, new paragraphs (i), (j), and (k) are added to read as follows:

§ 2.772 Authority of the Secretary to rule on procedural matters.

* * * * *

(i) Deny a request for hearings, where the request fails to comply with the Commission's pleading requirements set forth in this Part, and fails to set forth an arguable basis for further proceedings.

(j) Refer to the Atomic Safety and Licensing Board Panel or an Administrative Law Judge, as appropriate, requests for hearings not falling under section 2.104 of this Part, where the requester is entitled to further proceedings.

(k) Take action on minor procedural matters.

Dated at Washington, D.C., this 22d day of October 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-29737 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-48-AD; Amdt. 39-448]

Airworthiness Directives; McDonnell Douglas Model DC-9 and C-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On May 5, 1982 the FAA issued a Telegraphic Airworthiness Directive (AD) T82-10-51 to all known operators of McDonnell Douglas DC-9 and C-9 (Military) series airplanes certificated in all categories. This action was prompted by reports of cracks in the fuselage skin under the dorsal fin attach angle where the dorsal fin to fuselage two piece attach angles butt together. This AD required inspection and repairs necessary to correct this condition which, if undetected, could compromise the structural integrity of the fuselage. Revisions to this Telegraphic AD, issued on May 17, 1982 and June 6, 1982, adjusted compliance times based on new information obtained from the manufacturer, expanded the inspection requirements, and introduced a mandatory dye penetrant inspection procedure. This AD is hereby published in the **Federal Register** to make it effective to all persons.

DATES:

Effective date—November 8, 1982.

This AD was effective earlier to all recipients of Telegraphic AD T82-10-51 original issue, Revision 1, and Revision 2, dated May 5, 1982, May 17, 1982, and June 17, 1982, respectively.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Michael Asahara, Aerospace Engineer, Airframe Branch, ANM-120L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2824.

SUPPLEMENTARY INFORMATION: On May 5, 1982, the FAA issued Telegraphic AD T82-10-51 applicable to McDonnell Douglas Model DC-9 and C-9 (Military) series airplanes requiring inspection and repair, as necessary, of the fuselage skin and dorsal fin two piece attach angles where the dorsal fin to fuselage attach angles butt together. This action was prompted by reports of cracks in the fuselage skin and angles which, if allowed to go unrepaired, could compromise the structural integrity of the airplane. While this AD was not applicable to aircraft with one piece dorsal fin attach angles, inspections also were accomplished on some of these aircraft that revealed cracks in the skin and angles. Since this condition was likely to exist or develop on other airplanes of this same type design, Telegraphic AD T82-10-51-R1 was issued on May 17, 1982, to expand the inspection and repair requirements to include all DC-9 airplanes regardless of attach angle configuration. Following the issuance of Telegraphic AD T82-10-51-R1, and as a result of an analysis provided by the manufacturer, the FAA learned that type design differences in

DC–9 airplanes combining higher landing or maneuvering stresses with a lower fracture toughness skin material could cause these airplanes to develop critical length cracks prior to the 300 landings interim modification requirement originally specified for all models. The FAA, therefore, determined that the 300 landings compliance time applicable to the angle repair for certain DC–9 series airplanes not exhibiting skin cracks was not adequate, and that a more restrictive compliance time was necessary in the interest of safety. In addition, a dye penetrant inspection was specified for airplanes with dorsal fin one-piece attach angles to be used on a repetitive basis for an indefinite period. Since this situation applied to all airplanes of the same type design, Telegraphic AD T82–10–51–R2 was issued on June 7, 1982, to reduce the above referenced 300 landings compliance time for certain airplanes to 50 landings and to impose a more rigorous inspection requirement where terminating action was not required.

This AD differs from the previously issued Telegraphic AD T82–10–51–R2 as follows:

1. Provides an eddy current inspection as an alternate inspection method to the dye penetrant inspection previously specified.

2. In paragraph A.2. & A.3.:

• In the next to the last sentence, "at intervals of 2,000 landings * * *" has been changed to "at intervals not to exceed 2,000 landings* * *"

• In the last sentence, "accomplish paragraph C(1) * * *" has been changed to "accomplish the terminating action specified in paragraph C.1 * * *", or "C.2 * * *" as applicable.

3. In paragraph B.2.:

"—accomplish a dye penetrant inspection of the angle within 1,000 additional landings and thereafter at 3,000 landing intervals until paragraph C1 below is complied with" has been changed to read "* * * accomplish an eddy current inspection of the angle per McDonnell Douglas DC–9 Alert Service Bulletin A53–154, Revision 4, dated August 24, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, or a dye penetrant inspection of the angle within 1,000 additional landings and thereafter at intervals not to exceed 3,000 landings until the terminating action specified in paragraph C.1. below is accomplished."

4. In paragraph B.3.: add "original issue," after "Service Sketch 3413A,". Also after "Los Angeles Aircraft Certification Office," change "and dye penetrant inspect the angle at 3,000 landing intervals until paragraph C2 is complied with" to read "and thereafter conduct an eddy current or dye penetrant inspection of the angle per paragraph B.2. at intervals not to exceed 3,000 landings until the terminating action specified in paragraph C.2. is accomplished.

5. The paragraph following paragraph B.4. beginning with "a dye penetrant * * *" has been identified as paragraph B.5. and has been changed to read "a dye penetrant, or an eddy current inspection of the angle per paragraph B.2. shall be repeated at intervals not to exceed 3,000 landings after the accomplishment of the repair until the terminating action specified in paragraph C.1. is accomplished * * *" Also "at intervals of 2,000 landings * * *" has been changed to "at intervals not to exceed 2,000 landings * * *" and in the last sentence, "accomplish per paragraph C(1) below" has been changed to "accomplish the terminating action specified in paragraph C.1. below."

6. In paragraph C.1.: Drawing 5939711–1, or –2 or –501 or –502 has been deleted. The following was added after the word "accomplish * * *": "the applicable modifications and/or inspections per paragraph 2, Accomplishment Instructions specified in McDonnell Douglas DC–9 Service Bulletin 53–154, dated August 24, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office."

7. In paragraph C.2: Drawing 5939711–1, or –2 or –501 or –502 has been deleted. The following was added after the word "accomplish * * *": "the applicable modification and/or inspections per paragraph 2, Accomplishment Instructions specified in McDonnell DC–9 Service Bulletin 53–154, dated August 24, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office."

8. Added paragraph C.3. which reads as follows: "Previous accomplishment of dye penetrant and/or eddy current inspections, and modification required by AD 74–16–02, which is also outlined in McDonnell Douglas Service Bulletin 53–154, may be considered as equivalent methods for complying with the requirements of this AD."

9. The title "Chief, Los Angeles Area Aircraft Certification Office" was changed to "Manager, Los Angeles Aircraft Certification Office".

10. The description "one-piece (or two-piece) dorsal fin attach angle(s)" was changed to "dorsal fin one-piece (or two-piece) attach angle(s)," as appropriate.

11. Michael Asahara replaces Harry Irwin as the person to contact for further information.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires inspection for cracks and repairs, if necessary, of defective parts. This AD is now published to make it effective to all persons.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

McDonnell Douglas: Applies to McDonnell Douglas Model DC–9 and C–9 (Military) series airplanes, fuselage serial numbers 1 thru 1050 inclusive, regardless of dorsal fin attach angle configuration, including those aircraft reworked in accordance with DC–9 Structural Repair Manual Chapter 53–05, Figure 19A, certificated in all categories. Compliance required as indicated unless previously accomplished.

To detect cracks and prevent possible loss of structural integrity of the fuselage, accomplish the following:

A. Airplanes with dorsal fin two piece attach angles, part number 5912188–27, –28, –29, and –30.

1. Within 100 landings from May 17, 1982, visually inspect from inside the airplane the upper fuselage skin between longerons 4L thru 4R for cracks in the area adjacent to the following fuselage stations appropriate to the model being inspected: Series 10 and 20:FS 901.400, Series 30 and C–9:FS 1080.400, Series 40:FS 1156.400, Series 50:FS 1251.400, Series 80:FS 1422.400.

2. If no cracks are found, accomplish the interim modification described in McDonnell Douglas Service Sketch 3414, original issue, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, prior to the accumulation of 50 landings after receipt of this emergency AD for DC–9 Model 15, Series 30, 40, 50, and C–9 aircraft fuselage numbers 1 thru 950 and prior to the accumulation of 400 landings from May 17, 1982, for all other affected airplanes. Verification that no cracks exist must be repeated immediately prior to accomplishment of the interim modification. The visual inspection (reference paragraph A.1.) shall be repeated at intervals not to exceed 2,000 landings after the accomplishment of the interim modification. Prior to accumulating 4,000 landings from May 17, 1982, accomplish the terminating action specified in paragraph C.1. below.

3. If cracks are found, before further flight accomplish the interim modification described in McDonnell Douglas Service Sketches 3413A and 3414, original issue, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, and repeat the visual inspection (reference paragraph A.1.) at intervals not to exceed 2,000 landings thereafter. Prior to accumulating 4,000 landings from May 17, 1982, accomplish the terminating action specified in paragraph C.2. below.

B. Airplanes with dorsal fin one piece attach angle part number 5912188–5, –6.

1. Within 500 landings from May 17, 1982, for airplanes with less than 22,500 landings, and within 100 landings from May 17, 1982, for airplanes with 22,500 or more landings, visually inspect from inside the airplane the upper fuselage skin between longerons 4L thru 4R for cracks in the area adjacent to the following fuselage stations appropriate to the model being inspected: Series 10 and 20:FS 901.400, Series 30 and C–9:FS 1080.400, Series 40:FS 1156.400, Series 50:FS 1251.400, Series 80:FS 1422.400. Also, visually inspect from outside the airplane the dorsal fin attach angles for cracks.

2. If no angle cracks are found, accomplish an eddy current inspection of the angle per McDonnell Douglas DC–9 Alert Service Bulletin A53–154, Revision 4, dated August 24, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, or a dye penetrant inspection of the angle within 1,000 additional landings and thereafter at intervals not to exceed 3,000 landings until the terminating action specified in paragraph C.1. below is accomplished.

3. If skin cracks are found, before further flight, accomplish the interim modification described in McDonnell Douglas Service Sketch 3413A, original issue, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, and thereafter conduct an eddy current or dye penetrant inspection of the angle per paragraph B.2. at intervals not to exceed 3,000 landings until the terminating action specified in paragraph C.2. is accomplished.

4. If dorsal fin attach angle cracks are found, accomplish the repair described in DC–9 Structural Repair Manual, Chapter 53–05, Figure 19, prior to the accumulation of 50 landings after receipt of this emergency AD for DC–9 Model 15, Series 30, 40, 50, and C–9 aircraft fuselage numbers 1 thru 896, and prior to the accumulation of 400 landings from May 17, 1982, for all other affected aircraft. Verification that no skin cracks exist must be repeated immediately prior to accomplishment of the repair.

5. A dye penetrant, or an eddy current inspection of the angle per paragraph B.2. shall be repeated at intervals not to exceed 3,000 landings after the accomplishment of the repair until the terminating action specified in paragraph C.1. is accomplished. As an alternative to this procedure, accomplish the interim modification described in McDonnell Douglas Service Sketch 3414, original issue, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, in accordance with the compliance schedule specified in paragraph B.4. above. The visual inspection (reference paragraph B.1.) shall be repeated at intervals not to exceed 2,000 landings after the accomplishment of the interim modification. Prior to the accumulation of 4,000 landings from May 17, 1982, accomplish the terminating action specified in paragraph C.1. below.

C. Terminating Action. The following constitutes terminating action for compliance with this AD.

1. For aircraft found to be crack free, accomplish the applicable modifications and/or inspections per paragraph 2, Accomplishment Instructions specified in McDonnell Douglas DC–9 Service Bulletin 53–154, dated August 24, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office.

2. For aircraft found to have cracks, accomplish the applicable modifications and/or inspections per paragraph 2, Accomplishment Instructions specified in McDonnell Douglas DC–9 Service Bulletin 53–154, dated August 24, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office.

3. Previous accomplishment of dye penetrant and/or eddy current inspections, and modification required by AD 74–16–02, which is also outlined in McDonnell DC–9 Service Bulletin 53–154, dated August 24, 1982, may be considered as equivalent methods for complying with the requirements of this AD.

D. Paragraph C.1. and C.2., as applicable, may be initially accomplished in lieu of the interim modifications or repairs specified in paragraph A and B above.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the inspection requirements of this AD.

F. Alternative means of compliance providing an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FFA Northwest Mountain Region.

G. For the purposes of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's number of hours time in service by the operator's fleet average time from takeoff to landing.

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

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168, or Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This Amendment becomes effective November 8, 1982, and was effective earlier to those recipients of Telegraphic AD T82–10–51 original issue, Revision 1 and Revision 2, dated May 5, 1982, May 17, 1982 and June 7, 1982, respectively.

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

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

Issued in Seattle, Washington on October 19, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82–29724 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 82–NM–92–AD; Amdt. 39–4482]

Airworthiness Directives; Short Brothers Limited Model SD3–30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to Short Brothers Limited Model SD3–30 airplanes which requires replacement of the right outer window transparency immediately aft of the propeller plane with a transparency of increased thickness. This action is necessary to prevent propeller ice from penetrating the right hand window and injuring airplane occupants.

DATES: Effective—November 8, 1982.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to Shorts Aircraft, 1725 Jefferson Davis Highway, Suite 510,

Arlington, Virginia 22202 or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM–150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767–2530. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA) of the United Kingdom has classified Short Brothers Limited Service Bulletin SD3–56–02 dated November 5, 1981, as mandatory. This service bulletin requires replacement of the right outer window transparency immediately aft of the propeller plane with a transparency of increased thickness. One incident has occurred in service in which ice cast by the propeller broke the window and entered the passenger cabin injuring an occupant. To prevent this type of accident from occurring, the CAA requires replacement of the transparency in accordance with the service bulletin.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to occur on airplanes of this model registered in the United States, an AD is being issued which requires replacement of the window transparency with a transparency of increased thickness in accordance with Short Brothers Limited Service Bulletin SD3–56–02 dated November 5, 1981.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Short Brothers Limited: Applies to Model SD3–30 airplanes serial numbers SH3002–SH3071 inclusive, SH3073, SH3075, SH3077, and SH3078.

Compliance required within the next 100 hours time in service after the effective date of this AD unless already accomplished. To prevent window transparency penetration by propeller ice:

1. Replace the right outer window transparency immediately aft of the propeller plane with a transparency of increased thickness in accordance with paragraph 2, "Accomplishment Instructions," of Short Brothers Limited Service Bulletin SD3–56–02 dated November 5, 1981.

2. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

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

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

This amendment becomes effective November 8, 1982.

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

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

Issued in Seattle, Washington, on October 19, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82–29727 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Airworthiness Docket No. 82–ASW–65; Amdt. 39–4478]

Airworthiness Directive; Societe Nationale Industrielle Aerospatiale (SNIAS) Model AS332C/L Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires initial and repetitive inspections, reduces the service life of the main rotor spindle sleeve, and imposes reduced collective angle and air speed limitations on the Aerospatiale Model AS332C/L series helicopters. The AD is needed to detect and prevent fatigue cracks which could result in failure of the main rotor spindle. Failure of the main rotor spindle may cause separation of the main rotor blade from the helicopter and subsequent loss of control of the helicopter.

DATE: Effective November 11, 1982.

Compliance required as prescribed in the body of the AD.

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

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106, or Rules Docket, Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Chris Christie, Manager, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, telephone 513.38.30, or Samuel E. Brodie, Helicopter Policy and Procedures Staff, Aircraft Certification Division, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, telephone number (817) 624–4911, extension 502.

SUPPLEMENTARY INFORMATION: The FAA has determined that complete separation of a lug on the main rotor head spindle occurred in service in an Aerospatiale Model AS332L helicopter. Separation of the spindle yoke lug resulted from a fatigue crack possibly initiated by fretting corrosion on the lug. Separation of a spindle lug may cause severe vibration and possible separation of a main rotor blade from the helicopter. Loss of a main rotor blade in

flight may cause loss of control of the helicopter. Since cracks in the main rotor spindle may exist or occur on other helicopters of the same type and series, an AD is being issued for Aerospatiale Model AS332C/L series helicopters to require an initial and repetitive inspection, a reduction in service life of the main rotor spindle sleeve and a reduced air speed limitation on the helicopter. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

One AS332L helicopter will be affected by this AD for an estimated cost of $1610.00.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

Societe Nationale Industrielle Aerospatiale (SNIAS). Applies to Model AS332C/AS332L series helicopters certified in all categories that are equipped with main rotor spindles P/N 330A31.1122.09 and .10.

Compliance is required as indicated.

To detect fretting corrosion and to prevent possible cracking of the main rotor head spindle yoke lugs, accomplish the following:

(a) Prior to the first flight of each day following the effective date of the AD, accomplish a visual inspection in accordance with Aerospatiale AS332 Service Bulletin No. 05.02, paragraph 1C(2)(a) or equivalent approved by the Manager, FAA, Europe, Africa and Middle East office.

(b) Within the next 25 hours' time in service following the effective date of this AD, unless already accomplished, check the torque of the flap hinge pin nut in accordance with Aerospatiale AS332 Service Bulletin No. 05.02, paragraph 1C(1)(a) or an equivalent approved by the Manager, FAA, Europe, Africa, and Middle East office. Thereafter, at intervals not to exceed 25 hours' time in service since the last inspection, accomplish the inspection in accordance with Aerospatiale AS332 Service Bulletin No. 05.02, paragraph 1C(1)(c) or an equivalent approved by the Manager, FAA, Europe, Africa and Middle East office.

(c) Within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' total time in service, inspect the spindle yoke lug in accordance with Aerospatiale AS332 Service Bulletin No. 05.02, paragraph 1C(2)(b) or an equivalent inspection approved by the Manager, FAA, Europe, Africa and Middle East office.

Note.—(1) For spindles having 90 hours' or more time in service, accomplish the inspection of paragraph (c) of this AD within 10 hours' additional time in service following the effective date of this AD.

(2) For spindles having less than 90 hours' time in service, accomplish the inspection of paragraph (c) of this AD prior to attaining 100 hours' total time in service.

(d) In addition to the inspection instructions noted in paragraphs (a), (b) and (c) of this AD, the service life limit of the main rotor hub spindles, PN 330A31.1112.09 and .10 is effectively reduced from 1500 hours' to 300 hours' total time in service. For spindles with more than 300 hours' time in service on the effective date of this AD remove from service prior to attaining an additional 25 hours' time in service.

(e) The collective pitch limit in level flight specified in the Rotorcraft Flight Manual, Section 2–1, paragraph 15, is reduced from 16.5° to 16° or less and the airspeed is limited to IAS=131 KT (243 KM/HR). The following placard must be installed adjacent to the pilot and copilot airspeed indicators. The placard must be within sight of and readable by the pilot and copilot.

EXCEPT IN CASE OF EMERGENCY, COLLECTIVE PITCH IN LEVEL FLIGHT IS LIMITED TO 16° AND THE AIRSPEED IS NOT TO EXCEED THE FOLLOWING LIMITS

H_p	A/S KTS IAS
SL	131
1000	128
2000	126
3000	124
4000	120
5000	116
7000	108
9000	96
11000	85
13000	71

This amendment becomes effective November 11, 1982.

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

Note.—The FAA has determined that this document involves a regulation that is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

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

Issued in Fort Worth, Texas on October 12, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-29725 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 82-ANM-8]

Establishment of Jet Routes and Area High Routes; Alteration of Jet Routes J-58 and J-107

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Jet Route J–58 from Wilson Creek, NV, to Milford, UT, to Farmington, NM, and realigns J–107 from Milford, UT, to Rock Springs, WY, to Casper, WY, to Dupree, SD, to Pembina, ND. This action improves traffic flow, aids flight planning, and reduces controller workload.

EFFECTIVE DATE: December 23, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

On August 19, 1982, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Route J–58 and J–107 in the vicinity of Milford, UT (47 FR 36220). The realignment supports the resectorization program in the Salt Lake City Air Traffic Control Center. The realignment improves traffic flow, reduces intrafacility coordination, reduces pilot and controller workload. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One comment objecting to the proposal was received. Except for editorial changes, and except as specifically discussed below, this amendment is the same as that proposed in the notice. Section 75.100 of Part 75 or the Federal Aviation Regulations was republished in Advisory Circular AC 70–3 dated January 29, 1982.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations realigns

V–58 between Wilson Creek, NV, and Farmington, NM, and realigns J–107 between Milford and Pembina, ND, via Rock Springs, WY, and Dupree, SD. This action improves traffic in the Salt Lake City, UT, area.

Discussion of Comments

One comment objecting to the proposal was submitted by Mr. George H. Carver of the Airline Transport Association (ATA), and stated that the real reason for the jet route realignment was due to the proposed realignment of the Denver/Los Angeles/Salt Lake City Centers' boundaries in the vicinity of Bryce Canyon, UT. Mr. Carver expressed concern that although not required, the proposal to change the center boundaries was not coordinated with his office or with the aviation community through an informal airspace meeting. He suggests that the center boundary changes will cause the opposite effect from the desired result described in the jet route realignment docket and will require additional changes to SID's and STAR's east of Las Vegas. After due consideration for Mr. Carver's comments, the FAA does not concur with the objection. Contrary to Mr. Carver's statement, the realignment of J–58 is not required because of the center boundary proposal. In fact, due to the proximity of J–58 and the current Los Angeles/Salt Lake City boundary, it is desirable to realign J–58 to improve traffic flow regardless of the new center boundary proposal. We also do not anticipate any changes to the existing CROWE FOUR arrival which begins in the Salt Lake City ARTCC area or to the OVETO SID which will terminate prior to the proposed new center boundary. The point is we anticipate a smoother traffic flow for en route traffic to and from the Bay area and an improvement in our arrival/departure flow south of Salt Lake City, while leaving the McCarran traffic unaffected.

List of Subjects in 14 CFR Part 75

Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is amended effective 0901 G.m.t., December 23, 1982, as follows:

J–58 [Amended]

By deleting the words "Wilson Creek, NV; Bryce Canyon, UT; Farmington, NM;" and substituting for them the words "Wilson Creek, NV; Milford, UT; Farmington, NM;"

J–107 [Amended]

By deleting the words "Milford, UT; Delta, UT; Rock Springs, WY; Crazy Woman, WY; Dickinson, ND; Pembina, ND;" and substituting for them the words "Milford, UT; Rock Springs, WY; Casper, WY; Dupree, SD; Pembina, ND;"

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

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

Issued in Washington, D.C., on October 21, 1982.

Harold W. Becker,

Acting Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 82–29726 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 171

[Docket No. 20669; Amdt. 171–11]

Non-Federal Navigation Facilities; Microwave Landing System Requirements for Non-Federal Navigational Facilities; Correction

Correction

In FR Doc. 82–28367 beginning on page 46259 in the issue of Monday, October 18, 1982, make the following corrections:

§ 171.311 [Corrected]

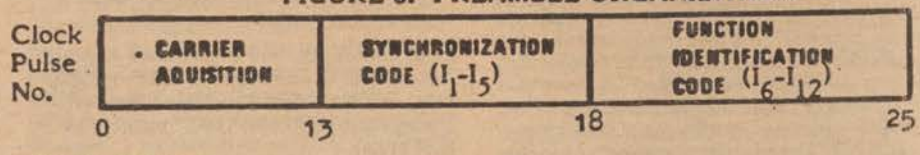
1. On page 46260, middle column, *Table 1. Frequency Channel Plan* for § 171.311(a) should have been printed as follows:

TABLE 1.—FREQUENCY CHANNEL PLAN

Channel No.	Frequency (MHz)
500	5031.0
501	5031.3
502	5031.6
503	5031.9
504	5032.2
505	5032.5
506	5032.8
507	5033.1
508	5033.4
509	5033.7
510	5034.0
511	5034.3
• • •	• • •
598	5060.4
599	5060.7
600	5061.0
601	5061.3
• • •	• • •
698	5090.4
699	5090.7

2. Also on page 46260, in the third column, *Figure 6. Preamble Organization* for § 711.311 should have been printed as follows:

FIGURE 6. PREAMBLE ORGANIZATION



BILLING CODE: 1505–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80–53]

Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order of the Director, OPPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 357.307(l), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of November and December 1982, and January 1983, Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPPR, (202) 357–8500.

SUPPLEMENTARY INFORMATION:

Issued October 21, 1982.

In the matter of publication of prescribed maximum lawful prices

under the Natural Gas Policy Act of 1978; Docket No. RM80–53; order of the Director, OPPR.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of November and December 1982, and January 1983, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103, 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to August 1982 are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

§ 271.101 [Amended]

1. Section 271.101(a) is amended by inserting the maximum lawful prices for November and December 1982, and January 1983, in Tables I and II.

TABLE I.—NATURAL GAS CEILING PRICES

[Other than NGPA sections 104 and 106(a)]

Subpart of Part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in—		
			November 1982	December 1982	January 1983
B	102	New natural gas, certain OCS gas	$3.249	$3.274	$3.299
C	103	New, onshore production wells	2.698	2.710	2.722
F	106(b)(1)(B)	Alternative maximum lawful price for certain intrastate rollover gas.	1.539	1.546	1.553
G	107(c)(5)	Gas produced from tight formations	5.396	5.420	5.444
H	108	Stripper gas	3.481	3.508	3.535
I	109	Not otherwise covered	2.234	2.244	2.254

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(A)

[Subpart D, Part 271]

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in—		
		November 1982	December 1982	January 1983
Post-1974 gas	All producers	$2.234	$2.244	$2.254
1973–1974 biennium gas	Small producer	1.890	1.899	1.908
	Large producer	1.445	1.452	1.459
Interstate rollover gas	All producers	.829	.833	.837
Replacement contract gas or recompletion gas	Small producer	1.062	1.067	1.072
	Large producer	.811	.815	.819
Flowing gas	Small producer	.535	.537	.539
	Large producer	.453	.455	.457
Certain Permian Basin gas	Small producer	.634	.637	.640
	Large producer	.556	.559	.562
Certain Rocky Mountain gas	Small producer	.634	.637	.640
	Large producer	.535	.537	.539
Certain Appalachian Basin gas	North subarea contracts dated after October 7, 1969.	.504	.506	.508
	Other contracts	.471	.473	.475
Minimum rate gas [1]	All producers	.278	.279	.280

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

§ 271.102 [Amended]

2. Section 271.102(c) is amended by inserting the inflation adjustment for the months of November and December 1982, and January 1983, in Table III.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery	Factor [1]
1982:	
November	1.00455
December	1.00455
1983:	
January	1.00455

[1] Factor by which price in preceding month is multiplied.

[FR Doc. 82–29490 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 3

[CGD 82–080]

1st/3rd District Boundary Realignments

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a boundary line between the First and Third Coast Guard Districts east of Long Island. It will also modify the boundaries of the New York, New London and Providence Captain of the Port Zones and will adjust the New York and Providence Marine Inspection Zones to coincide with this boundary line. These changes are necessary to clarify areas of jurisdictional responsibility between the 1st and 3rd Coast Guard Districts. An additional change is also included to correct the location of the Philadelphia Captain of the Port Office.

EFFECTIVE DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: LT Ernest J. FINK, Port Safety Officer, Third Coast Guard District, Building 301, Room 109, Governors Island, New York 10004, (212) 668–7179.

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A), and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the **Federal Register** under 5 U.S.C. 553(d)(3).

Executive Order 12291 does not apply to matters of agency organization (section 1(a)(3)). These amendments are editorial in nature and are considered to be nonsignificant under DOT Order 2100.5 of May 22, 1980. No additional requirements will be imposed on the public as a result of this rulemaking. This rule simply redefines areas of Coast Guard responsibility and

jurisdiction which were previously unclear. The only changes to be experienced by the public are the specific Coast Guard offices having jurisdiction over a particular area, and from what location the Coast Guard will enforce that jurisdiction.

Existing regulations in 33 CFR Part 3 do not describe the First and Third Coast Guard District boundaries between Watch Hill Light and Montauk Point Light. This omission has resulted in incidents in which the jurisdictional responsibility of the First and Third Coast Guard Districts was unclear. These regulations will complete the boundary line between the two districts at the eastern end of Long Island Sound by drawing a line from Watch Hill Light to a point approximately 11½ miles from Montauk Point Light on the existing seaward boundary extending 112° T. from Montauk Point Light. The boundaries of the New York, New London, and Providence Captain of the Port Zones as well as the boundaries of the New York and Providence Marine Inspection Zones will be moved to coincide with this change. In addition, the location of the Philadelphia Captain of the Port office has been corrected.

An economic evaluation of Final Rule has not been conducted since its impact is expected to be minimal. As existing requirements and responsibilities will not be altered, the overall cost to the poblic will not change. This rulemaking imposes no burdens on the public as it is solely organizational in nature. It will not affect the economy to any measurable degree, result in any increase in price for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or result in any 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. Likewise, it is hereby certified that this Final Rule will not have any economic impact on a substantial number of small entities as described in the Regulatory Flexibility Act (Pub L. 96–354; 5 U.S.C. 601 et seq.). This certification is made in accordance with Section 605 of Title 5 of the United States Code.

The Coast Guard has determined that this rule does not constitute a major federal action significantly affecting the quality of human environment, and therefore no environmental assessment or environmental impact statement was prepared.

Drafing Information

The principal persons involved in drafting this amendment are: Lieutenant Ernest J. Fink, Project Officer, Port Safety Branch, Third Coast Guard District and Lieutenant Ronald L. Nelson, Project Attorney, Legal Staff, Third Coast Guard District.

List of Subjects in 33 CFR Part 3

Organization and functions (Government agencies).

PART 3—[AMENDED]

In consideration of the foregoing, Part 3 of Title 33 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 3 is amended to read as follows:

Authority: 80 Stat. 383, as amended (5 U.S.C. 552); 14 U.S.C. 633; sec. 6(b), 80 Stat. 938 (49 U.S.C. 1655(b)); 49 CFR 1.46(b).

Subpart 3.05—First Coast Guard District

2. Paragraph (b) of § 3.05–1 is revised to read as follows:

§ 3.05–1 First District.

(a) * * *

(b) The First Coast Guard District shall comprise Maine and New Hampshire; Vermont, except the Counties of Orleans, Franklin, Grand Isle, Chittenden, Addison, and Rutland; Massachusetts, except the waters of the Congamond Lakes; Rhode Island, with exception of Watch Hill Light Station; that portion of Connecticut containing the waters of Beach Pond in New London County; all U.S. naval reservations on shore in Newfoundland; the ocean area encompassed by the Search and Rescue boundary between Canada and the United States easterly to longitude 63° W.; thence due south to latitude 41° N.; thence southwesterly along a line bearing 219° T. to the intersection with the ocean boundary between the First and Third Coast Guard Districts, which is defined as a line extending 112° T. from Montauk Point Light; thence west-northwesterly along this line to 40°59.9′ N. latitude, 71°37.5′ W. longitude; thence north-northwesterly to Watch Hill Light along a line bearing 150° T. from Watch Hill Light.

3. Paragraph (b) of § 3.05–20 is revised to read as follows:

§ 3.05–20 [Amended]

(a) * * *

(b) The boundary of the Providence Marine Inspection Zone and Captain of the Port Zone starts at 41°18.2′ N. latitude, 71°51.6′ W. longitude, and proceeds north along the Rhode Island State line, including the waters of Beach Pond, to the Massachusetts State line; thence east to 42°04.1′ N. latitude, 71°06′ W. longitude; thence southeast to 41°40.6′ N. latitude, 70°43′ W. longitude, including the waters of Sippican Harbor, its bays, coves, and inlets; thence southeast to 41°32′ N. latitude, 70°42′ W. longitude; thence south to 41°31′ N latitude, 70°41.6′ W. longitude; thence east through the passage between Woods Hole and Nonamesset Island; thence south to 41°30′ N. latitude, 70°40′ W.; thence southwest to 41°22′ N. latitude, and 70°51′ W. longitude, thence due south to the ocean boundary between the First and Third Coast Guard Districts, which is defined as a line extending 112° T. from Montauk Point Light; thence west-northwesterly along this line to 40°59.9′ N. latitude, 71°37.5′ W. longitude; thence north-northwesterly to Watch Hill Light along a line bearing 150° T. from Watch Hill Light.

Subpart 3.15—Third Coast Guard District

4. Section 3.15–1 is revised to read as follows:

§ 3.15–1 Third district.

(a) The District Office is in New York, New York.

(b) The Third Coast Guard District is comprised of the counties of Orleans, Franklin, Grand Isle, Chittendon, Addison, and Rutland in Vermont; Connecticut, but not including the waters of Beach Pond in New London County; Watch Hill Station in Rhode Island; that portion of Massachusetts containing the waters of the Congamond Lakes in Hampden County; New York, except that part north of latitude 42° N. and west of longitude 74°39′ W.; New Jersey; that part of Pennsylvania north of latitutde 41° N. and east of longitude 78°55′ W. and south of latitude 41° N. and east of longitude 79° W.; Delaware, including Fenwick Island Light, but not including that part of Delaware that contains the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; the ocean area encompassed by a line bearing 150° T. from Watch Hill Light to 40°59.9′ N. latitude, 71°37.5′ W. longitude; thence east-southeasterly along a line bearing 112° T. from Montauk Point Light to the southernmost point of the First Coast Guard District (39°00′ N.; 65°05′ W.); thence southwesterly along a line bearing 219° T. to the intersection with the ocean boundary between the Third and Fifth Coast Guard Districts, which is defined as a line extending 122° T. from the coastal end of the Third and

Fifth Coast Guard District land boundary; thence northwesterly along this line to the coast.

5. Section 3.15–10 is revised to read as follows:

§ 3.15–10 New York Marine inspection Zone.

(a) The New York Marine Inspection Office is in New York, New York with a sub-office in New London, Connecticut.

(b) The New York Marine Inspection Zone starts at the New Jersey shoreline at 39°57.0′ N. latitude; thence westward to 39°57.0′ N. latitude, 74°27.0′ W. longitude; thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence along the east bank of the Delaware River in a northwesterly direction to 42°00.0′ N. latitude; thence due east to 74°39.0′ W. longitude; thence due north to the Canadian border; thence easterly along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Rutland counties to the Vermont-New York boundary; thence southerly along the Vermont-New York boundary to its juncture with the Massachusetts-New York boundary; thence south-southwesterly along the Massachusetts-New York boundary to the junction of the Massachusetts, New York, and Connecticut boundaries; thence easterly along the Connecticut-Massachusetts boundary, including the waters of the Congamond Lakes to the Connecticut-Rhode Island boundary; thence southerly along the Connecticut-Rhode Island boundary, excluding the waters of Beach Pond, to 41°22.6′ N. latitude, 71°50.0′ W. longitude, at Westerly, Rhode Island; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light; thence south-southeasterly along a line bearing 150° T. from Watch Hill Light.

6. Paragraph (a) of § 3.15–25 is revised to read as follows:

§ 3.15–25 Philadelphia Marine Inspection Zone and Captain of the Port Zone.

(a) The Philadelphia Marine Inspection Office is located in Philadelphia, Pennsylvania. The Philadelphia Captain of the Port Office is located in Gloucester City, New Jersey.

* * * * *

7. Section 3.15–55 is revised to read as follows:

§ 3.15–55 New London Captain of the Port Zone.

(a) The New London Captain of the Port Office is located in New London, Connecticut.

(b) The New London Captain of the Port Zone starts at Watch Hill Light, Rhode Island; thence south-southeasterly along a line bearing 150° T. from Watch Hill Light to 41°10.0′ N. latitude, 71°45.2′ W. longitude; thence due west to the eastern end of Plum Island at 72°11.8′ W. longitude; thence westerly along the southern shoreline of Plum Island to 41°10.0′ N. latitude, 72°12.1′ W. longitude; thence westerly to Orient Point Light; thence southwesterly along the northern shoreline of Long Island-New York to 72°38.0′ W. longitude; thence due north to the Connecticut shoreline; thence westward along the Connecticut shoreline to 72°40.0′ W. longitude; thence due north to the Connecticut-Massachusetts boundary; thence eastward along this boundary to the Rhode Island boundary; thence southerly along the Connecticut-Rhode Island boundary, excluding the waters of Beach Pond, to 41°22.6′ N. latitude, 71°50.0′ W. longitude at Westerly, Rhode Island; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light.

8. Paragraph (a) of § 3.15–57 is revised to read as follows:

§ 3.15–57 New Haven Captain of the Port Zone.

(a) The New Haven Captain of the Port Zone is located in New Haven, Connecticut.

* * * * *

9. Section 3.15–60 is revised to read as follows:

§ 3.15–60 New York Captain of the Port Zone.

(a) The New York Captain of the Port Office is located in New York, New York with a sub-office in Albany, New York.

(b) The New York Captain of the Port Zone starts at the New Jersey shoreline at 39°57.0′ N. latitude, thence westward to 39°57.0′ N. latitude, 74°27.0′ W. longitude; thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence along the east bank of the Delaware River in a northwesterly direction to 42°00.0′ N. latitude; thence due east to 74°39.0′ W. longitude; thence due north to the Canadian border; thence easterly along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Rutland counties to the Vermont-New York boundary; thence southerly along the Vermont-New York boundary to its juncture with the Massachusetts-New York boundary; thence south-southwesterly along the Massachusetts-New York boundary to the junction of the Massachusetts, New York, and Connecticut boundaries; thence southerly along the New York-Connecticut boundary to 41°01.5′ N. latitude, 73°40.0′ W. longitude; thence due south to 40°58.0′ N. latitude, at the southern shore of Manursing Island; thence south-southeasterly to the north shore of Long Island at Dosoris Island at 40°53.7′ N. latitude, 73°38.2′ W. longitude; thence due south to 40°41.5′ N. latitude; thence east-northeasterly to 40°49.5′ N. latitude, 73°00.0′ W. longitude; thence due north to the Long Island shoreline; thence easterly along the Long Island shoreline to Orient Point Light; thence easterly to the shoreline of Plum Island at 41°10.0′ N. latitude, 72°12.1′ W. longitude; thence easterly along the southern shoreline of Plum Island to 41°10.0′ N. latitude, 72°11.8′ W. longitude; thence due east to 71°45.2′ W. longitude; thence south-southeasterly along a line bearing 150° T. from Watch Hill Light.

Dated: October 21, 1982.

B. F. Hollingsworth,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc. 82–29720 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CCGD11–82–07]

Establishment of Safety Zone in the Vicinity of National Steel and Shipbuilding Company Shipway Three

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations establishes a safety zone in San Diego harbor in the vicinity of National Steel and Shipbuilding Co. Shipway Three. The safety zone is established to provide a clearance during the launching of a vessel. This safety zone will remain in effect while National Steel and Shipbuilding Company launches hull 418 at Shipway Three.

EFFECTIVE DATE: This amendment is effective from 0930 on 30 October 1982 until 1030 on 30 October 1982.

FOR FURTHER INFORMATION CONTACT: Lieutenant D. W. TIFFANY or Lieutenant S.

W. DENO, c/o Captain of the Port, U.S. Coast Guard Marine Safety Office, 2710 Harbor Drive, San Diego, CA, Tel: 714–293–5860.

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rulemaking because the shipbuilder's schedule did not allow sufficient prior notice.

Drafting Information:

The principal persons involved in the drafting of the rule are Lt S.W. Deno and Lt D. W. Tiffany, Marine Safety Office, San Diego, 2710 Harbor Drive, San Diego, CA 92101, Tel: 714–293–5860. The project attorney is Lt W. P. Athayde, c/o Commander, Eleventh Coast Guard District (d1), 400 Oceangate, Long Beach, CA 90822.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33 of the Code of Federal Regulations is amended by adding § 165.1120 to read as follows:

§ 165.1120 Safety zone adjacent to National Steel and Shipbuilding Company, San Diego Harbor.

The waters within the following boundaries are a safety zone: the area landward of a line drawn between 32°41.4'N–117°09.1'W and 32°40.8'N–117°08.1'W.

(86 Stat. 427, as amended (33 U.S.C. 1224); 49 CFR 1.46(n)(4))

Dated: September 29,1982.

J. C. Carney,

Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.

[FR Doc. 82–29718 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-7-FRL 2219-7]

Attainment Status Designations—Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Final action is being taken in this notice to redesignate the Nebraska portion (Douglas and Sarpy Counties) of Air Quality Control Region 085 (AQCR 085) from unclassifiable to attainment for photochemical oxidants (ozone). Because there is insufficient valid monitoring or modeling data for ozone prior to 1981, data generated during the 1981 ozone season were used to determine the attainment/nonattainment status of AQCR 085.

EFFECTIVE DATE: This action will be effective on December 27, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Comments should be directed to Eloise Reed, Air Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

The submitted SIP revision is available for review during normal business hours at the following locations:

Air Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106

Nebraska Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509

FOR FURTHER INFORMATION CONTACT: Eloise Reed, Air Planning and Development Section, Air Branch, Air and Waste Management Division, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374–3791, FTS: 758–3791.

SUPPLEMENTARY INFORMATION: Douglas and Sarpy Counties were redesignated from nonattainment to unclassifiable at 46 FR 57045 (November 20, 1981), because there was insufficient data to make an attainment status designation. At 46 FR 57045 EPA stated that data from the 1981 ozone season would be used for a final determination of attainment status.

On August 3, 1982, the Nebraska Department of Environmental Control requested a redesignation from unclassifiable to attainment for Douglas and Sarpy Counties, the Nebraska portion of AQCR 085, based on ozone monitoring data from the 1981 calendar year. EPA's guidelines for assessing compliance with the ozone standard, EPA 450/4–79–003, state one ozone season of ambient data is sufficient to show attainment if no data have been excluded arbitrarily, and if the data are valid by having been subject to an acceptable quality assurance plan. The data meet these criteria and show no violation of the National Ambient Air Quality Standard for ozone.

Action

Based on EPA's review of the material submitted, the Administrator hereby grants the redesignation request made by the State of Nebraska.

Since EPA views any Section 107 redesignation made on the basis of measured air quality data as routine and noncontroversial, these redesignations are made without prior proposal. The public is advised that this action will be effective December 27, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on the action taken today, the 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.

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 redesignations 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 (60 days after publication of this notice). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

This notice of final rulemaking is issued under the authority of Section 107(d) of the Clean Air Act Amendments of 1977.

Dated: October 20, 1982.

Anne M. Gorsuch,

Administrator.

PART 81—[AMENDED]

Part 81, Subpart C § 81.328 is amended by revising the table for ozone to read as follows:

§ 81.328 [Amended]

NEBRASKA—OX

Designated area	Does not meet primary standard	Better than national standard
Entire state		X

[FR Doc. 82-29655 Filed 10-27-82; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 86

[AMS-FRL 2192-1]

Revised Motor Vehicle Exhaust Emission Standards for Oxides of Nitrogen (NO_x) for 1981 Through 1984 Model Year Light-Duty Diesel Vehicles, Summary of Decision and Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes interim oxides of nitrogen (NO_x) emission standards for 1984 model year light-duty vehicles belonging to two classes or categories of light-duty vehicles (diesel engine families) for which EPA has granted waivers from standards otherwise applicable under section 202(b)(6)(B) of the Clean Air Act, 42 U.S.C. 7521(b)(6)(B). Specifically, this amendment applies to new diesel engine families of Toyo Kogyo Co., Ltd. (Mazda) and Ford Motor Company (Ford) which I have determined qualify under the statutory criteria for waivers of the NO_x standard for model year 1984. This action has the effect of setting interim NO_x standards at the most stringent level that will permit Mazda and Ford to market its diesel engine family in model year 1984.

EFFECTIVE DATE: November 29, 1982.

ADDRESSES: Information relevant to this rule, including the accompanying decision document, is contained in Public Docket EN-82-03 at the Central Docket Section of the Environmental Protection Agency, Gallery I, 401 M Street, S.W., Washington, D.C. 20460, and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, EPA may charge a reasonable fee for copying services. Interested parties may also obtain the decision document by contacting the Manufacturers Operations Division as indicated below.

FOR FURTHER INFORMATION CONTACT: John Allison, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-2547.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(B) of the Clean Air Act, as amended (ACT), 42 U.S.C. 7521(b)(1)(B), requires that regulations applicable to NO_x emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which provide that such emissions from vehicles or engines shall not exceed 1.0 grams per vehicle mile (g/mi).

Section 202(b)(6)(B) of the Act authorizes the Administrator, upon application by any manufacturer, to waive the statutory NO_x standard for the 1981 through 1984 model years for any class or category of light-duty diesel vehicles or engines (diesel engine families) for which the Administrator can make the required statutory findings. I must promulgate interim NO_x standards applicable to the subject engine families for those model years for which I have granted waivers.

Mazda and Ford have each submitted applications for waivers for their new diesel engine families for model year 1984. Ford is purchasing this engine family from Mazda for use in its own vehicles. My decision to grant the waiver applications, which includes the statutory criteria and my determination with respect to the diesel engine families covered by the applications, is explained in detail in a decision document which may be obtained as noted above.

In that decision document, I granted waivers covering Mazda's and Ford's new "TX1" engine family for the 1984 model year because Mazda and Ford each demonstrated, and I concluded, that there is a substantial risk that these new engine families will not be able to meet emission standards during the waiver period without encountering significant engine performance problems and increased levels of particulate and hydrocarbon (HC) emissions.

Granting these waivers for these engine families will not endanger public health, because there will not be a significant increase in ambient NO_x levels; moreover, denying these waivers could result in the production of diesel vehicles emitting more particulate matter. Finally, Mazda and Ford have demonstrated that these engine families have met the fuel economy and long-term air quality benefit criteria for receiving waivers.

Having decided to grant these waiver applications, I am simultaneously promulgating regulations adopting emission standards not permitting NO_x emissions from 1984 model year vehicles of these diesel engine families to exceed 1.5 g/mi. The public has received an opportunity to comment on the waiver applications and a public hearing has been held to consider these requests; however, no testimony or comments were received. For these reasons, I find that providing notice and an opportunity to comment on this rulemaking before final promulgation is impracticable and unnecessary. (5 U.S.C. 553)

The Office of Management and Budget (OMB) has exempted this action from the requirements of sections 3 and 7 of Executive Order 12291.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory flexibility analysis. The interim NO_x standards established by this rulemaking apply to Mazda and Ford only, which are not "small entities" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: October 20, 1982.

(Secs. 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521, 7601(a))

Anne M. Gorsuch,

Administrator.

PART 86—[AMENDED]

For the reasons set forth above, 40 CFR 86.082-8(a)(1)(iii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 and later model year light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) * * *

(iii) Oxides of nitrogen—1.0 grams per vehicle mile, except that: (A) Oxides of nitrogen emissions from 1982 model year light-duty vehicles manufactured by

American Motors Corporation shall not exceed 2.0 grams per vehicle mile; (B) oxides of nitrogen emissions from light-duty diesel vehicles of the following 1982 and later model year engine families shall not exceed the prescribed levels:

Manufacturer and engine family	Model years	Standard (g/mi)
General Motors Corp.:		
1.8 liter (L)	1982, 1983, 1984	1.5
4.3L	1982, 1983, 1984	1.5
5.7L	1982, 1983, 1984	1.5
EF-C	1983, 1984	1.5
Daimler-Benz AG:		
2.0L	1984	1.5
2.4L—Naturally aspirated (NA).	1982, 1983, 1984	1.25
3.0L-NA	1982	1.5
3.0L-turbo-charged (TC)	1982, 1983, 1984	1.5
AB Volvo:		
2.4L-NA	1982, 1983, 1984	1.5
2.4L-TC	1983, 1984	1.5
Peugeot:		
2.3L-TC-XD2S	1982	1.5
XD2S/XD3S-TC	1983, 1984	1.5
2.3L-NA-XD2C	1982, 1983, 1984	1.2
1.9L-NA-XUD9	1983, 1984	1.5
Volkswagen AG:		
1.6L-NA-2250 pound inertia weight class (I.W.).	1982, 1983, 1984	1.3
1.6L-TC-2250 I.W	1982, 1983, 1984	1.3
1.6L-NA-2500 and 2750 I.W.	1982, 1983, 1984	1.4
1.6L-TC-2500 and 2750 I.W.	1982, 1983, 1984	1.4
2.0L-NA	1982, 1983, 1984	1.5
2.0L-TC	1982, 1983, 1984	1.5
Nissan Motor Company:		
2.8L	1982, 1983, 1984	1.5
XM1	1983, 1984	1.5
Isuzu Motors Ltd.:		
1.8L	1982, 1983, 1984	1.5
Renault:		
2.0L	1982, 1983, 1984	1.5
BL Cars, Ltd.:		
2.4L-TC	1983, 1984	1.5
3.6L-TC	1983, 1984	1.5
Chrysler Corp.:		
1.9L-NA	1984	1.5
Ford Motor Company:		
2.4L-TC	1984	1.5
TX1	1984	1.5
BMW:		
2.4L-TC	1984	1.5
Vehicle Technology, Inc.:		
4-88 HTA	1982, 1983	1.5
4-92 HTA	1982, 1983	1.5
5-92 HTA	1982, 1983	1.5
6-92 HTA	1982, 1983	1.5
Toyo Kogyo Co., Ltd.:		
TX1	1984	1.5

[FR Doc. 82-29555 Filed 10-27-82; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6433]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP) and eligible for second layer insurance coverage. These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the regular program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
Idaho: Kootenai County	Coeur D'Alene, city of	160078	750625, emergency; 820902, regular	740329
Indiana:				
Wayne County	Spring Grove, town of	180286	750710, emergency; 820902, regular	741213
Wayne County	Wayne County [2]	180280	750324, emergency; 820902, regular	741206
Massachusetts: Middlesex County	Tyngsborough, town of	250220	750618, emergency; 820902, regular	740802
Michigan:				
Saginaw County	Frankenmuth, city of	260188	750905, emergency; 820902, regular	740123
Kent County	Wyoming, city of	260111	730411, emergency; 820902, regular	731109
Minnesota:				
Olmsted County	Stewartville, city of	270332	750507, emergency; 820902, regular	740503

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
Kittson County	St. Vincent, city of	270232	741217, emergency; 820902, regular	740809
Nebraska: Cass County	Cass County [2]	310407	741205, emergency; 820902, regular	761105
New Jersey:				
Gloucester County	National Park, borough of	340209	750103, emergency; 820902, regular	740412
Gloucester County	Paulsboro, borough of	340210	750513, emergency; 820902, regular	740809
Warren County	Washington, township of	340496	751106, emergency; 820902, regular	750103
Gloucester County	Woolwich, township of	340217	750513, emergency; 820902, regular	740405
New York:				
Suffolk County	Brightwaters, village of	361342	740531, emergency; 820902, regular	741018
Onondaga County	Minoa, village of	361017	750418, emergency; 820902, regular	740628
Oswego County	Pulaski, village of	360659	750602, emergency; 820902, regular	740510
Ohio:				
Fairfield County	Bremen, village of	390160	750722, emergency; 620902, regular	740621
Miami County	Covington, village of	390399	750724, emergency; 820902, regular	740607
Licking County	Kirkersville, village of	390701	760504, emergency; 820902, regulatory	750214
Perry County	New Lexington, village of	390443	750915, emergency; 820902, regular	740517
Wood County	North Baltimore, village of	390587	750703, emergency; 820902, regular	0
Shelby County	Shelby County [2]	390503	790403, emergency; 820902, regular	741220
Fairfield County	Sugar Grove, village of	390163	750625, emergency; 820902, regular	740830
Pennsylvania:				
Westmoreland County	Rostraver, township of	422184	740826, emergency; 820902, regular	740524
Montgomery County	Upper Moreland, township of	421909	741114, emergency; 820902, regular	741220
South Carolina: Florence County	Florence County [2]	450076	790522, emergency; 820902, regular	780428
Texas:				
Orange County	Bridge City, city of	480511	731217, emergency; 820902, regular	740524
Lubbock County	Lubbock, city of	480452	730524, emergency; 820902, regular	740830
Washington:				
Whatcom County	Bellignham, city of	530199	750430, emergency; 820902, regular	740614
Whatcom County	Nooksack, city of	530203	751128, emergency; 820902, regular	741122
Wisconsin:				
Kenosha County	Kenosha, city of	550209	750414, emergency; 820902, regular	731228
Waukesha County	Waukesha, city of	550491	740402, emergency; 820902, regular	740208
West Virginia: Wetzel County	New Martinsville, city of	540208	750512, emergency; 820902, regular	740628
Pennsylvania:				
Carbon County	Rowmanstown, borough of	420248	750702, emergency; 820903, regular	740116
Lackawanna County	La Plume, township of	422458	750728, emergency; 820903, regular	741227
Mercer County	Sandy Lake, township of	421874	790517, emergency; 820903, regular	741213
California: Alameda County	Dublin, city of	060705	820908, emergency; 820908, regular	0
Texas: Cameron County	Palm Valley, town of	481580	820908, emergency; 820908, regular	0
New York:				
Wyoming County	Arcade, village of	361555	750725, emergency; 820910, regular	740531
Ulster County	Saugerties, village of	361504	760311, emergency; 820910, regular	741115
Pennsylvania:				
Crawford County	Beaver, township of	422385	770127, emergency; 820910, regular	750228
Mercer County	Jamestown, borough of	422481	760218, emergency; 820910, regular	750103
Mercer County	New Lebanon, borough of	422484	790827, emergency; 820910, regular	750124
Arkansas: Clay County	St. Francis, city of	050037	750422, emergency; 820914, regular	740816
Oklahoma: Nowata County	South Coffeyville, town of	400411	780509, emergency; 820914, regular	760625
Texas:				
Red River County	Avery, city of	480983	800926, emergency; 820914, regular	760813
Upshur County	Ore City, city of	481038	751211, emergency; 820914, regular	761105
Alaska: Southeast Fairbanks	Delta Junction, city of	020040	750828, emergency; 820916, regular	771025
Arkansas: Baxter County	Mountain Home, city of	050351	760209, emergency; 820916, regular	750214
Colorado: Montrose County	Olathe, town of	080128	750605, emergency; 820916, regular	740628
Connecticut: Tolland County	Columbia, town of	090160	750814, emergency; 820916, regular	741108
Delaware: Kent County	Dover, city of	100006	750724, emergency; 820916, regular	740531
Florida: Dixie County	Cross City, town of	120074	750626, emergency; 820916, regular	740913
Iowa: Mills County	Malvern, city of	190205	750804, emergency; 820916, regular	740308
Illinois:				
McHenry County	Island Lake, village of	170370	750124, emergency; 820916, regular	740308
Perry County	Pinckneyville, city of	170540	750702, emergency; 820916, regular	740322
Indiana:				
Boone County	Boone County [2]	180011	751126, emergency; 820916, regular	741129
Dearborn County	Dearborn County [2]	180038	750403, emergency; 820916, regular	780407
Dearborn County	Greendale, town of	180040	750319, emergency; 820916, regular	740116
Dearborn County	Lawrenceburg, city of	180041	741227, emergency; 820916, regular	740116
Crawford County	Marengo, town of	180033	760106, emergency; 820916, regular	740201
Massachusetts: Worcester County	Leominster, city of	250314	750724, emergency; 820916, regular	740322
Michigan: Kent County	Grandville, city of	260271	730330, emergency; 820916, regular	730713
Minnesota:				
Marshall County	Oslo,city of	270272	740515, emergency; 820916, regular	0
Marshall County	Stephen, city of	270273	740426, emergency; 820916, regular	740517
Missouri: Lincoln County	Silex, village of	290212	761101, emergency; 820916, regular	741122
Nebraska: Otoe County	Nebraska City, city of	310392	750521, emergency; 820916, regular	770325
New Hampshire: Strafford County	Rochester, city of	330150	750722, emergency; 820916, regular	771108
New Jersey:				
Gloucester County	Greenwich, township of	340204	730418, emergency; 820916, regular	740123
Ocean County	Jackson, township of	340375	730112, emergency; 820916, regular	750124
New Mexico: Valencia County	Belen, city of	350088	750623, emergency; 820916, regular	740607
New York:				
Genesee County	Batavia, city of	360279	730725, emergency; 820916, regular	731228
Schoharie County	Esperance, village of	361542	760727, emergency; 820916, regular	750124
Oswego County	Granby, town of	360650	750630, emergency; 820916, regular	740503
Oswego County	Scriba, town of	360663	750915, emergency; 820916, regular	740719
Oklahoma:				
Tulsa County	Tulas County [2]	400462	750421, emergency; 820916, regular	770823
Pennsylvania:				
Snyder County	Penn, township of	421024	730112, emergency; 820916, regular	770722
Texas:				
Harris County	Humble, city of	480297	741025, emergency; 820916, regular	771129
Wharton County	Wharton, city of	480654	740611, emergency; 820916, regular	761231
Virginia:				
Sussex County	Stony Creek, town of	510159	740409, emergency; 820916, regular	740809

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
New Jersey:				
Cape May County	Dennis, township of	340552	750728, emergency; 820917, regular	750404
Morris County	Mine Hill, township of	340556	810428, emergency; 820917, regular	770107
New York:				
Steuben County	Hartsville, town of	361602	800318, emergency; 820917, regular	0
Ulster County	Lloyd, town of	361012	750819, emergency; 820917, regular	740906
Pennsylvania:				
Mercer County	Coolspring, township of	421863	750711, emergency; 820917, regular	740920
Franklin County	Letterkenny, township of	422425	790430, emergency; 820917, regular	741220
Chester County	Oxford, borough of	420284	750617, emergency; 820917, regular	740726
Berks County	Richmond, township of	421096	750828, emergency; 820917, regular	740913
Mercer County	Sugar Grove, township of	422489	790504, emergency; 820917, regular	750131
Michigan:				
Saginaw County	Chesaning, village of	260591	820920, emergency; 820920, regular	770311
Arkansas:				
Mississippi County	Blytheville, city of	050140	740816, emergency; 820921, regular	731116
Craighead County	Cash, city of	050396	760624, emergency; 820921, regular	750418
Mississippi County	Joiner, city of	050145	750908, emergency; 820921, regular	740517
Mississippi County	Keiser, city of	050146	750403, emergency; 820921, regular	740517
Randolph County	Maynard, town of	050265	750807, emergency; 820921, regular	750124
Benton County	Sulphur Springs, city of	050015	750903, emergency; 820921, regular	740823
Oklahoma:				
Ottawa County	Picher, city of	400159	760525, emergency; 820921, regular	760723
Mayes County	Spavinaw, town of	400328	761223, emergency; 820921, regular	760813
New York:				
Steuben County	Troupsburg, town of	361436	791129, emergency; 820924 regular	750221
Pennsylvania: Bradford County	Franklin, township of	421398	760312, emergency, 820924, regular	741025
Arkansas:				
Poinsett County	Tyronza, city of	050371	750512, emergency; 820928 regular	750418
Poinsett County	Weiner, city of	050373	751031, emergency; 820928, regular	750418
Oklahoma:				
Wagoner County	Okay, town of	400217	770708, emergency; 820928, regular	740816
Texas:				
Lamar County	Deport, city of	480426	750602, emergency; 820928, regular	740628
Lamar County	Reno, city of	481254	800109, emergency; 820928, regular	760813
Alaska:				
Bristol Bay Division	Dillingham, city of	020041	750807, emergency; 820930, regular	740531
Arkansas:				
Johnson County	Clarksville, city of	050112	750626, emergency; 820930, regular	731130
Arizona:				
Pinal County	Apache Junction, city of	040120	791220, emergency; 820930, regular	800610
California:				
Humboldt County	Blue Lake, city of	060438	750702, emergency; 820930, regular	750117
Orange County	Costa Mesa, city of	060216	710625, emergency; 820930, regular	740517
Orange County	Garden Grove, city of	060220	730119, emergency; 820930, regular	740614
Nevada County	Grass Valley, city of	060211	751211, emergency; 820930, regular	740517
Contra Costa County	Hercules, city of	060434	750725, emergency; 820930, regular	760326
Alameda County	Oakland, city of	065048	701204, emergency; 820930, regular	750103
Fresno County	Reedley, city of	060053	750513, emergency; 820930, regular	740301
Colorado:				
Chaffee County	Buena Vista, town of	080030	750725, emergency; 820930, regular	740503
Rio Grande County	Del Norte, town of	080154	740809, emergency; 820930, regular	740517
Rio Grande County	Monte Vista, city of	080155	750527, emergency; 820930, regular	761203
Chaffee County	Salida, city of	080031	750616, emergency; 820930, regular	740503
Connecticut:				
New Haven County	Meriden, city of	090081	740411, emergency; 820930, regular	770816
Fairfield County	Ridgefield, town of	090013	750124, emergency; 820930, regular	740913
Indiana:				
Huntington County	Andrews, town of	180097	820728, emergency; 820930, regular	740607
Huntington County	Warren, town of	180095	750219, emergency; 820930, regular	731123
Minnesota:				
Roseau County	Greenbush, city of	270413	740415, emergency; 820930, regular	740503
Marshall County	Grygla, city of	270269	740524, emergency; 820930, regular	750808
Montana: Beaverhead County	Beaverhead County [3]	300001	770314, emergency; 820930, regular	0
North Dakota: Stutsman County	Spritwood Lake City, city of	380315	761101, emergency; 820930, regular	790320
New Jersey:				
Hudson County	North Bergen, township of	340225	741205, emergency; 820930, regular	740628
Somerset County	South Bound Brook, borough of	340445	750212, emergency; 820930, regular	761022
Nevada:				
Lyon County	Lyon County	320029	820420, emergency; 820930, regular	780131
Lyon County	Yerington, city of	320016	750124, emergency; 820930, regular	740109
New York:				
Orange County	Cornwall, town of	360611	750415, emergency; 820930, regular	740329
Orange County	Crawford, town of	361250	751001, emergency; 820930, regular	741115
Ulster County	Gardiner, town of	360856	740626, emergency; 820930, regular	740531
Oneida County	Marshall, town of	360534	750717, emergency; 820930, regular	740802
Cayuga County	Moravia, village of	360118	750718, emergency; 820930, regular	740503
Ulster County	New Paltz, town of	360859	740627, emergency; 820930, regular	740517
Ulster County	Shawangunk, town of	360865	750915, emergency; 820930, regular	740621
Oregon: Washington County	Washington County [3]	410238	730410, emergency; 820930, regular	750124
Tennessee:				
Washinton County	Jonesboro, town of	470198	740116, emergency; 820306, regular	740201
Sullivan County	Sullivan County [2]	470181	790306, emergency; 820930, regular	771230
Washington County	Washington County [3]	470265	791016, emergency; 820930, regular	770325
Texas:				
Randall County	Canyon, city of	480533	740830, emergency; 820930, regular	740201
Tarrant County	Keller, city of	480602	750606, emergency; 820930, regular	761119
Randall County	Lake Tanglewood, village of	481259	750721, emergency; 820930, regular	761126
Randall County	Randall County [3]	480532	780613, emergency; 820930, regular	780110
Virginia: Loudoun County	Leesburg, town of	510091	750321, emergency; 820930, regular	740830

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
Wisconsin: Jefferson County	Johnson Creek, village of	550194	760213, emergency; 820930, regular	740109
West Virginia: Brooke County	Follansbee, city of	540013	750716, emergency; 820930, regular	760220

Total is: 148.
[1]Key for reading 4th column (effective date): First two digits designate the year, middle two digits designate the month, last two digits designate the day.
[2]Unincorporated areas.

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

Issued: October 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29203 10-27-82; 8:45 am.]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

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

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

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

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	City of Malvern, Hot Springs County (FEMA-6356)	Rockport Creek	Just upstream of State Highway 270	*278
		Town Creek	Just upstream of Walco Road	*255
			Just upstream of Laurel Street	*272
			Just upstream of Banks Street	*281
		Chatman Creek	Just upstream of U.S. Highway 67	*275
			Just upstream of Dyer Street	*278
		Tributary to Chatman Creek	Just upstream of State Highway 9	*294
Maps available for inspection at City Hall, 305 Locust Street, Malvern, Arkansas.				
California	Palm Springs (city), Riverside County (FEMA-5947)	Arenas Canyon Creek	800 feet southeast of intersection of Camino Real and Murray Canyon Drive.	*523
		Chino Canyon Creek	Intersection of San Rafel Drive and Lynette Drive	*528
			100 feet downstream of intersection of creek and Indian Avenue.	*619
		Palm Canyon Wash	200 feet upstream of intersection of Wash and Golf Club Drive.	*333

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			50 feet upstream of intersection of wash and Bogie Road.	*352
			100 feet upstream of intersection of Wash and Bogert Trail.	*545
		Tahquitz Creek	50 feet upstream of intersection of creek and Bogie Road.	*352
			50 feet upstream of intersection of creek and Farrell Drive.	*388
			75 feet downstream of intersection of creek and Palm Canyon Drive.	*444
			Intersection of Camino Real and San Lorenzo Road	#2
		Tramview Wash	Area enclosed by Club Circle Drive	#3
		Tramview Wash Tributary	Intersection of Siminole Road and Linden Way	#2
		Whitewater River	Intersection of Vista Chino and Bogie Road	*457
			Intersection of Montecito Circle and Montecito Drive	#3
		West Cathedral Channel	150 feet upstream of intersection of channel and Dunn Road (upstream crossing).	*715
Maps available for inspection at Department of Community Development, City Hall, 3200 E. Tahquitz, Palm Springs, California.				
Delaware	Kent, county, unincorporated area (FEMA-6278)	Delaware Bay	Northern County Line at Smyrna River	*12
			Woodland Beach	*12
			Leipsic River	*12
			Simons River	*12
			Port Mahon	*12
			Little River	*12
			Pickering Beach	*12
			Kitts Hummock	*12
			St. Jones River	*12
			South Bowers	*12
			Bennetts Pier	*12
			Big Stone Beach	*12
			Southern County Line at Mispillion River	*12
Maps available for inspection in Room 318, Kent County Administration Building, 414 Federal Street, Dover, Delaware.				
Florida	Belleair Beach (city), Pinellas County (FEMA-6333)	Gulf of Mexico	Intersection of Causeway Boulevard and Palm Drive	*10
Maps available for inspection at City Hall, 444 Causeway Boulevard, Belleair Beach, Florida.				
Florida	Belleair Beach (city), Pinellas County (FEMA-6246)	Gulf of Mexico	West side of Gulf Boulevard (State Highway 699, County Road 208) at its intersection with Causeway Boulevard.	*10
Maps available for inspection at Town Hall, 880 Gulf Blvd., Belleair Shore, Florida.				
Florida	Indian Rocks Beach (city), Pinellas County (FEMA-6333).	Gulf of Mexico	Intersection of East Gulf Boulevard and La Hacienda Drive.	*10
Maps available for inspection at Building Department, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.				
Florida	Indian Shores (town), Pinellas County (FEMA-6333)	Gulf of Mexico	Intersection of 193rd Avenue and Whispering Pines Drive.	*10
Maps available for inspection at Building Department, 1930 Gulf Boulevard, Indian Shores, Florida.				
Florida	Madeira Beach (city), Pinellas County (FEMA-6333)	Gulf of Mexico	Intersection of North Bayshore Drive and 140th Avenue.	*11
Maps available for inspection at Building & Zoning Department, 300 Municipal Drive, Madeira Beach, Florida.				
Florida	North Redington Beach (town), Pinellas County (FEMA-6333).	Gulf of Mexico	Intersection of Bath Club Concourse and Gulf Boulevard (State Highway 699).	*10
Maps available for inspection at Building Department, 190 173rd Avenue, North Redington Beach, Florida.				
Florida	Redington Beach (Town), Pinellas County, FEMA-6333.	Gulf of Mexico	Intersection of 159th Avenue and Gulf Boulevard (State Highway 699).	*11
Maps available for inspection at Town Hall, 105-164th Avenue, Redington Beach, Florida.				
Florida	Redington Shores (Town), Pinellas County, FEMA-6333.	Gulf of Mexico	Intersection of Coral Avenue and Gulf Boulevard (State Highway 699).	*10
Maps available for inspection at Building Department, 17798 Gulf Boulevard, Redington Shores, Florida.				
Florida	St. Petersburg Beach (City), Pinellas County, FEMA-6333.	Gulf of Mexico	Intersection of 21st Avenue and Gulf Boulevard (State Highway 699).	*10
			Intersection of 79th Avenue and Boca Ciega Avenue	*11
Maps available for inspection at Building Department, 7701 Boca Ciega Drive, St. Petersbury Beach, Florida.				
Florida	Treasure Island (City), Pinellas County, FEMA-6333	Gulf of Mexico	Intersection of 3rd Street East and Capri Boulevard	*11
			Intersection of 82nd Avenue and West Gulf Boulevard	*13
Maps available for inspection at Building Department, 120 108th Avenue, Treasure Island, Florida.				
Georgia	City of Covington, Newton County, (FEMA 6356)	Dried Indian Creek	Just upstream of Clark Street	*701
			Just upstream of Interstate Highway 20	*722
		Dried Indian Creek Tributary No. 1	Just upstream of of Rebecca Street	*674
			Just upstream of Thompson Avenue	*723
		Dried Indian Creek Tributary No. 2	Approximately 100 feet downstream of Interstate Highway 20 (State Highway 402)..	*720

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Yellow River Tributary	Just downstream of State Highway 28	*659
Maps available for inspection at City Hall, 211, Conyers Street, Covington, Georgia 30209.				
Louisiana	Town of Grand Isle, Jefferson Parish (FEMA-6333)	Gulf of Mexico	At the intersection of Oleander Avenue and Church Road.	*14
			At the intersection of Oleander Avenue and Jean Lafite Street.	*12
			At the intersection of Oleander Avenue and Leona Linda Avenue.	*12
			At the intersection of Oleander Avenue and Ludwig Lane.	*11
Maps available for inspection at Town Hall, Ludwig Lane, Grand Isle, Louisiana 70358.				
Louisiana	Unincorporated Areas of Iberia Parish (FEMA-6333)	Gulf of Mexico/Vermilion Bay	State Highway 329 at the City of Emma	*11
			Intersection of Adolph Road and Segura Road	*11
			City of Delaware, intersection of Arpent Road and County Road 222.	*12
Maps available for inspection at Office of the Iberia Parish Secretary—Treasurer, Iberia Parish Courthouse, 1300 Iberia Street, New Iberia, Louisiana 70560.				
Maryland	Harford County (Docket No. FEMA-6299)	Bush River	Eastern shoreline north of Conrail to Park Beach Drive extended.	*13
				*13
			Northern shoreline	*12
			Western shoreline from Birch Avenue extended to the Bush River Yacht Club.	*14
			Western shoreline from Bush River Yacht Club to Baker Avenue West extended.	*13
			Western shoreline north of Conrail	
		Otter Point Creek	Southern shoreline in vicinity of Kennard Avenue extended.	*13
			Northern shoreline in vicinity of Harford Boat Club Road extended.	*12
		Gunpower River	Shoreline from confluence of Foster Branch to confluence with Gunpowder Falls.	*13
		Susquehanna River	Shoreline from Havre de Grace corporate limits to Lapidum Road (extended).	*12
			Conowingo Dam	*38
		Deer Creek	Ady Road (State Route 543) upstream side	*209
			Greir Nursery Road upstream side	*240
			Cherry Hill Road upstream side	*265
			Rocks Road (State Route 24) upstream side	*299
			St. Clair Bridge Road 2nd crossing downstream side	*324
			Federal Hill Road (State Route 165) upstream side	*336
			Dam—upstream side	*355
			Carea Road—upstream side	*387
			Amos Road—upstream side	*413
			State Route 23—upstream side	*452
			Jolly Acres Road—upstream side	*466
			Approximately 1,700' downstream of Long Corner Road.	*498
			County Boundary	*510
		Swan Creek	Aberdeen corporate limits (extended)	*12
			State Route 132 upstream side	*28
			At Oak Street	*56
			State Route 462 upstream side	153
		Carsins Run	Interstate Route 95 southbound upstream side	*168
			Gilbert Road upstream side	*214
		Bynum Run	Chessie system upstream side	*10
			State Route 7 upstream side	*20
			Hookers Mill Road upstream side	*45
			Most downstream Private Road (ford) upstream side	*87
			Wheel Road upstream side	*131
			At Andrews Way	*203
			MacPhail Road upstream side	*209
			State Route 22 (Churchville Road) upstream side	*265
			Southampton Road upstream side	*298
			Confluence of Wysong Branch	*324
			U.S. Route 1 Belair Bypass upstream side of culvert	*385
			Bynum Road upstream side	*411
			Approximately 5,900' upstream of Bynum Road	*439
		Tributary 1 to Bynum Run	Confluence of Tributary 2 to Bynum Run	*269
			Fountain Green Road (State Route 543) downstream side.	*293
		Tributary 2 to Bynum Run	Confluence with Tributary 1 to Bynum Run	*269
			Southampton Road upstream side	*294
		Wysong Branch	Confluence with Bynum Run	*324
			Private Farm Road downstream side	*346
		Farnandis Branch	Virginia Avenue (extended)	*246
		Ha Ha Branch	U.S. Route 40 upstream side	*13
			At Philadelphia Road (State Route 7)	*25
			Red Maple Drive extended	*54
			Approximately 140' downstream of Interstate Route 95	*74
		Winters Run	U.S. Route 40 upstream side	*17
			State Route 7 upstream side	*31
			Confluence of Tributary 3 to Winters Run	*60
			Singer Road upstream side	*91
			Atkisson Dam upstream side	*128

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Ring Factory Road upstream side	*143
			Whitaker Mill Road upstream side	*162
			Bel Air Road upstream side	*204
			Wildwood Drive upstream side	*257
			Confluence of Long Branch	*294
			Confluence of West Branch	*337
		East Branch	Confluence of West Branch	*337
			Upstream Cosner Road	*360
			Upstream Phillips Mill Road	*391
			At Poteet Road	*405
			Upstream Morse Road	*440
			Confluence of Tributary to East Branch	*451
			Upstream Jarrettsville Road	*497
			Upstream Federal Hill Road	*630
		West Branch	Confluence with East Branch	*337
			Upstream Putnam Road	*352
			Upstream Baldwin Mill Road	*389
			Upstream Charles Street	*412
			Upstream of most upstream Private Road	*444
			Upstream Durham Road	*460
			Approximately 500 feet downstream of Furnance Road	*499
		Tributary 1 to Winters Run	Upstream Winters Run Road	*40
			Approximately 540' downstream of Clayton Road	*64
		Tributary 2 to Winters Run	Confluence with Winters Run	*26
			Upstream Chipper Drive (second crossing)	*42
		Tributary 3 to Winters Run	Confluence with Winters Run	*60
			Approximately 1,360' upstream of confluence with Winters Run.	*78
		Tributary 4 to Winters Run	Confluence with Atkisson Reservoir	*131
			Approximately 60' downstream Wheel Road	*201
		Tributary to East Branch	Confluence with East Branch	*451
			Approximately 1,000 feet upstream of confluence with East Branch.	*467
		Plumtree Run	Confluence with Atkisson Reservoir	*138
			Upstream Plumtree Road	*196
			At Tollgate Road	*243
			Upstream Ring Factory Road	*271
			Upstream of downstream Private Road	*292
			Upstream corporate limits	*319
		Bear Cabin Branch	Upstream Carrs Mill Road	*263
			Upstream Grafton Shop Road	*286
			Upstream Bernadette Drive	*326
			Approximately 2,660' upstream of Bernadette Drive	*350
			Approximately 5,400' upstream of Bernadette Drive	*380
		Bread and Cheese Branch	Confluence with Winters Run	*290
			Upstream of Angleside Road	*323
			Upstream Ryan Road	*360
		Long Branch	Confluence with Winters Run	*294
			Upstream Boggs Road	*350
			Upstream Rock Spring Road	*394
		Reardon Inlet	Upstream Westwood Road	*20
			Confluence of Tributary to Reardon Inlet	*38
		Tributary to Reardon Inlet	Confluence with Reardon Inlet	*38
			Approximately 840' upstream of confluence with Reardon Inlet.	*43
		Foster Branch	Upstream Joppa Farm Road	*13
			Upstream Trimble Road	*20
		Wildcat Branch	Approximately 400' upstream of confluence with Little Gunpowder Falls.	*199
			Approximately 1,450' upstream of confluence with Little Gunpowder Falls.	*245
			Upstream Reckord Road	*290
			Confluence of Tributary to Wildcat Branch	*328
			Upstream State Route 152 culvert	*371
			Approximately 180' downstream of U.S. Route 1	*419
		Tributary to Wildcat Branch	Confluence with Wildcat Branch	*355
			Upstream U.S. Route 1	
		Rocky Branch	Confluence with Wildcat Branch	*297
			Downstream State Route 147	*372
Maps available for inspection at the Bel Air Public Library, Hickory Avenue, Bel Air, Maryland.				
Michigan	(V) Clarkston, Oakland County (Docket No. FEMA-6333).	Clinton River	Just downstream of Pinehurst Street	*975
			Just downstream of Waldon Road	*978
			Just upstream of Waldon Road	*983
			Just downstream of East Church Street	*985
			Just upstream of East Church Street	*990
			Just downstream of North Main Street (near Washington Street).	*994
			Just upstream of Spillway Outlet	*1000
			About 450 feet upstream of Miller Road	*1002
		Clarkston Dam Outlet	At confluence with Middle Lake	*976
			About 650 feet upstream of Depot Street	*976
		Deer Lake	Shoreline	*976
		Middle Lake	Shoreline	*976
		Parke Lake	Shoreline	*991

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(V) Coopersville, Ottawa County (Docket No. FEMA-6278).	Deer Creek	Just upstream of Interstate 96 West	*615
			Just upstream of Center Street	*622
			About 2500 feet upstream of Cleveland Street	*627
	Maps available for inspection at the City Hall, 289 Danforth Street, Coopersville, Michigan.			
Michigan	(Twp.) Talmadge, Ottawa County (Docket No. FEMA-6278).	Grand River	About 0.6 mile downstream of Lake Michigan Drive	*600
			About 8.0 miles upstream of Lake Michigan Drive (at southeastern corporate limits).	*605
	Maps available for inspection at the Town Hall, 0-1451 Leonard Road West, Grant Rapids, Michigan.			
Michigan	(Twp.) West Bloomfield, Oakland County (Docket No. FEMA-6333).	Franklin Branch River Rouge	About 1.0 mile downstream of Ten Hill Road	*800
			About 1600 feet upstream of Ten Hill Road (just upstream of dam).	*827
			Just downstream of Middlebelt Road	*864
			Just upstream of Middlebelt Road	*871
			About 2800 feet upstream of Middlebelt Road (just downstream of dam).	*875
			About 2800 feet upstream of Middlebelt Road (just upstream of dam).	*881
			Just downstream of Walnut Lake Road	*895
			Just upstream of Walnut Lake Road	*900
			Just upstream of Lockhart Drive	*926
			Just upstream of Check Dam	*949
		Simpson Lake outlet	At confluence with Franklin Branch River Rouge	*872
			Just upstream of Spring Road	*875
			Just upstream of Walnut Lake Road	*879
		Walnut Lake Outlet	About 400 feet downstream of Middlebelt Road	*879
			About 625 feet upstream of Middlebelt Road	*883
		Pebble Creek	Just upstream of 14 Mile Road	*893
		About 2300 feet upstream of Farmington Road (just upstream of Private Drive).	*927	
		Just upstream of Nashway Drive	*945	
		Just downstream of West Maple Road.	*949	
		Minnow Pond Drain	Just upstream of 14 Mile Road	*882
		About 2900 feet downstream of West Maple Road.	*925	
		Just downstream of West Maple Road.	*943	
		Carus Lake Pleasant Lake Channel.	Just upstream of Haggerty Road	*936
		Just upstream of Grand Trunk Western Railroad.	*942	
		Just downstream of Halstead Road.	*948	
		Clinton River	Within the corporate limits	*932
		Pleasant Lake	Shoreline	*948
		Middle Straits Lake	Shoreline	*933
		Upper Straits Lake	Shoreline	*933
		Union Lake	Shoreline	*928
		Greene Lake	Shoreline	*930
		Pine Lake	Shoreline	*932
		Walnut Lake	Shoreline	*883
		Simpson Lake	Shoreline	*879
		Woodpecker Lake	Shoreline	*949
		Morris Lake	Shoreline	*926
		Harnmond Lake	Shoreline	*921
		Upper Long Lake	Shoreline	*914
		Cass Lake	Shoreline	*932
	Maps available for inspection at the Township Hall, 4460 Orchard Lake Road, West Bloomfield, Michigan.			
Minnesota	(C) Mounds View Ramsey County (Docket No. FEMA-6333).	Ardan Park Pond	Shoreline	*905
		Judicial Ditch No. 1 Pond	Shoreline	*901
		Lois Drive Pond	Shoreline	*901
		Branch No. 5 Pond	Shoreline	*903
		County Road H-2 Pond	Shoreline	*901
		Belle Lane Pond	Shoreline	*889
		Bronson Drive Pond	Shoreline	*904
		Highway 10, County Road I Pond	Shoreline	*905
		Woodcrest Lake-1	Shoreline	*889
		Rice Creek Pond	Shoreline	*873
		Oak Lake Park Pond	Shoreline	*894
		Greenwood Drive Pond	Shoreline	*894
		Longview Drive Pond	Shoreline	*892
		Woodcrest Lake-2	Shoreline	*889
		Spring View Lane Pond	Shoreline	*877
		Shallow Flooding (Ponding from Rainfall).	Southeast Pond	*874
			Knollwood Drive Pond	*893
			Long Lake Road Highway 10 Pond	*897
			Hillview Pond	*901
			Silver Lake Road Pond	*901
			Edgewood Drive Pond	*902
	Maps available for inspection at the Clerk Administrator's Office, City Hall, 2401 Highway #10, Mounds View, Minnesota.			
Missouri	(C) Franklin, Howard County (Docket No. FEMA-6286).	Cottonwood Creek	At mouth	*601
			At northern corporate limits	*601
		Missouri River	About 0.46 mile downstream of Missouri-Kansas-Texas Railroad.	*600
			About 0.15 mile upstream of Missouri-Kansas-Texas Railroad.	*601

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Sulfer Creek	About 950 feet downstream of Missouri-Kansas-Texas Railroad.	*600
			About 1600 feet upstream of Crews Avenue	*601
Maps available for inspection at City Hall, Franklin, Missouri.				
Missouri	(C) Union, Franklin County (Docket No. FEMA-6333)	Bourbeuse River	About 0.24 mile downstream of U.S. Highway 50	*515
			About 0.85 mile upstream of U.S. Highway 50	*519
		Flat Creek	At confluence with Bourbeuse River	*515
			Just upstream of Church Street	*522
			About 0.23 mile upstream of Chicago, Rock Island and Pacific Railroad.	*580
		Fenton Creek	At confluence with Flat Creek	*515
			Just upstream of Chicago, Rock Island and Pacific Railroad.	*522
			Just upstream of St. Louis Rock Road	*533
			About 0.55 mile upstream of St. Louis Rock Road	*570
		Possum Creek	At confluence with Flat Creek	*524
			Just upstream of Main Street	*545
			About 0.65 mile upstream of Main Street	*606
		Flat Creek North Tributary	At confluence with Flat Creek	*533
			About 0.9 mile upstream of Chicago, Rock Island and Pacific Railroad.	*582
Maps available for inspection at the City Hall, 500 East Locust, Union, Missouri.				
Nebraska	(C) Grand Island Hall County (Docket No. FEMA-6278).	Wood River	About .22 mile downstream of Gunbarrel Road	*1,822
			About 2,400 feet downstream of Stuhr Road	*1,840
			Just upstream of U.S. Highways 281 and 34	*1,870
		Moores Creek	About 1,350 feet downstream of U.S. Highway 281	*1,854
			About 850 feet downstream of Webb Street	*1,862
			Just upstream of State Highway 2	*1,874
		Sheet Flow (Overflow from Moores Creek).	At the intersection of Capital Avenue and Broadwell Avenue.	*1,861
			Southeast of the intersection of Webb Road and State Highway 2.	*1,864
			Southeast of the intersection of U.S. Highway 281 and State Highway 2.	*1,868
			Just northwest of the intersection of Capital Avenue and North Road.	*1,873
Maps available for inspection at the City Hall, Grand Island, Nebraska.				
Nevada	Lyon County (Unincorporated Areas) FEMA-6333	Carson River	80 Feet east from center of intersection of Silver Street and U.S. Highway 50.	*4,359
		Gold Canyon Creek	70 feet upstream from center of State Highway 341	*4,905
		Walker River	Center of intersection of Willow Drive and State Highway 3.	*4,395
Maps available for inspection at Department of Public Works, Lyon County Courthouse, Yerington, Nevada.				
New Jersey	Beachwood, Borough	Jakes Branch	Downstream corporate limits	*16
	Ocean County (Docket No. FEMA-6333)		Upstream side of Double Trouble Road	*18
			Chestnut Street (extended)	*21
		Barnegat Bay	Toms River shoreline	*6
Maps available for inspection at the Borough Hall, 315 Atlantic City Boulevard, Beachwood, New Jersey.				
New Jersey	Kenilworth, Borough Union County (Docket No. FEMA-6333.	Rahway River	Kenilworth Avenue (upstream)	*71
			Lenape Park Dam (upstream)	*73
		Drainage Ditch	Confluence with Rahway River	*71
			Confluence with Branch 10-30-1	*71
		Stream 10-30	Confluence with Drainage Ditch	*71
			Willshire Drive (upstream)	*74
		West Brook	Downstream corporate limits	*76
			Carnegie Avenue (upstream)	*82
			Sumner Street (upstream)	*88
		Branch 10-24	Downstream corporate limits	*80
			Garden State Parkway (upstream)	*84
			Rahway Valley Railroad (upstream)	*89
		Branch 10-30-1	Confluence with Drainage Ditch	*71
			North 12th Street (extended)	*76
		Black Brook	Downstream corporate limits	*74
			Springfield Road (upstream)	*80
Maps available for inspection at the Borough Hall, 567 Kenilworth Boulevard, Kenilworth, New Jersey.				
New Jersey	South Hackensack, Township Bergen County (Docket No. FEMA-6356).	Hackensack River	In Southern portion of community in vicinity of U.S. Route 46.	*9
		Saddle River	Downstream corporate limits	*18
			Upstream corporate limits	*20
		West River Ditch	Interstate Route 80 (downstream side)	*5
Maps available for inspection at the Municipal Building, 227 Phillips Avenue, South Hackensack, New Jersey.				
New Jersey	Union Beach, Borough Monmouth County (Docket No. FEMA-6333).	Raritan Bay	Shoreline from confluence of Chingarora Creek to Conaskonk Point.	*17
			Shoreline from Conaskonk Point to confluence of Waackaack Creek.	*18
		Thornes Creek	Entire shoreline within community	*5
		Chingarora Creek	Shoreline from confluence with Raritan Bay to approximately 500 feet upstream of Raritan Bay.	*16
			Shoreline from approximately 500 feet upstream of Raritan Bay to St. Johns Avenue (extended).	*15
			Shoreline from St. Johns Avenue (extended) to upstream corporate limits.	*12
Maps available for inspection at the Municipal Building, 650 Poole Avenue, Union Beach, New Jersey.				
New Jersey	Beachwood, Borough	Jakes Branch	Downstream corporate limits	*16

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
	Ocean County (Docket No. FEMA-6333)	xl	Upstream side of Double Trouble Road	*18
			Chestnut Streeet (extended)	*21
		Barnegat Bay	Toms River shoreline	*6
Maps available for inspection at the Borough Hall, 315 Atlantic City Boulevard, Beachwood, New Jersey.				
New Mexico	City of Alamogordo, Otero County (FEMA-6356)	Flow Path 1	Just downstream of 24th Street	*4380
			Just upstream of Fairgrounds Road	*4413
		Flow Path 2	Just upstream of Scenic Drive	*4590
			Just upstream of State Highway 200	*4595
		Flow Path 3	Just upstream of Southern Pacific Railroad	*4359
			Just upstream of Washington Avenue	*4410
			Just upstream of Scenic Drive	*4573
		Flow Path 4	Just upstream of the culvert inlet on Mountain View Avenue.	*4386
			Just downstream of 18th Street	*4408
		Flow Path 5	Approximately 60 feet upstream of Southern Pacific Railroad.	*4310
			Just upstream of the culvert inlet on White Sands Boulevard.	*4320
			Just upstream of Abbott Avenue	*4412
		Flow Path 6	Just upstream of 10th Street	*4509
			Approximately 80 feet upstream of the culvert inlet on Shawnee Trail.	*4580
		Flow Path 7	Just downstream of Bellamah Drive	*4405
			Just downstream of Sunshine Drive	*4511
		Flow Path 8	Just upstream of Washington Avenue	*4387
			Just downstream of Del Norte Drive	*4418
		Flow Path 9	Approximately 100 feet upstream of Southern Pacific Railroad.	*4320
			Approximately 120 feet upstream of the culvert inlet on U.S. Highway 54 and 70 (White Sands Boulevard).	*4323
		Flow Path 10	Approximately 70 feet upstream of Southern Pacific Railroad.	*4311
			Just upstream of the culvert inlet on U.S. Highway 54 and 70 (White Sands Boulevard).	*4320
		Flow Path 11	Just downstream of West 1st Street	*4317
			Just downstream of Southern Pacific Railroad	*4319
		Flow Path 12	Just upstream of South Florida Avenue	*4373
			Just upstream of Canyon Road	*4543
		Flow Path 13	Just upstream of 24th Street	*4379
			Just downstream of Hawaii Avenue	*4405
		Flow Path 14	Just upstream of Canal Street	*4361
		Flow Path 15	Just upstream of confluence with Flow Path 8	*4420
			Just upstream of confluence of Flow Path 28	*4430
		Flow Path 16	Just upstream of South Florida Avenue	*4380
			Just upstream of Canyon Road	*4557
		Flow Path 17	Just downstream of Collins Avenue	*4219
			Just downstream of Southern Pacific Railroad	*4300
		Flow Path 18	Just downstream of Airport Road	*4169
			Just downstream of Mescalero Street	*4221
		Flow Path 19	Just downstream of New York Avenue	*4328
			Just upstream of Cuba Avenue	*4374
		Flow Path 20	Just downstream of New York Avenue	*4330
			Just upstream of Utah Avenue	*4378
		Flow Path 21	Just upstream of Virginia Avenue	*4347
			Just upstream of Oregon Avenue	*4388
		Flow Path 22	Just downstream of 14th Street	*4345
			Just downstream of Utah Avenue	*4392
		Flow Path 23	Just downstream of New York Avenue	*4330
			Just downstream of Alaska Avenue	*4355
		Flow Path 25	Just downstream of Adams Avenue	*4419
			Just downstream of Juniper Avenue	*4462
		Flow Path 26	Just downstream of McKinley Avenue	*4469
			Just upstream of Scenic Drive	*4492
		Flow Path 27	Just downstream of Sunbeam Avenue	*4592
			Just upstream of Abbott Avenue	*4644
		Flow Path 28	Just upstream of the confluence with Flow Path 15	*4430
			Just downstream of the Eastern Corporate Limits	*4491
		Flow Path 29	Approximately 100 feet downstream of Alamo Avenue	*4358
			Just downstream of Hawaii Avenue	*4384
		Flow Path 30	Just downstream of Airport Road	*4158
			Just downstream of Municipal Avenue	*4243
		Flow Path 31	Just upstream of 1st Street	*4312
			Just upstream of Eddy Drive	*4322
		Flow Path 32	Just upstream of the Southern Corporate Limits	*4137
		Flow Path 33	Just downstream of La-Velle Road	*4265
			Just downstream of Southern Pacific Railroad	*4304
Maps available for inspection at City Hall, 511 Tenth Street, Alamogordo, New Mexico 88310.				
New Mexico	Village of Ruidoso, Lincoln County (FEMA-6356)	Brady Canyon	Just downstream of Oak Drive	*6880
			Just downstream of Ash Drive	*6907
		Cedar Creek	Just downstream of Cree Meadows Road	*6798
			Just upstream of Cree Meadows Road	*6802
			Just downstream of Starlite Drive	*6716
		Cherokee Bill Canyon	Just upstream of Cliff Drive	*6525
			Just upstream of Pinecrest Drive	*6583
		Carrizo Creek	Just upstream of Sand and Gravel Road	*6568
			Just upstream of Lower Tomahawk Trail	*6599
		Rio Ruidoso	Just downstream of Cedar Creek Road	*6517
			Just downstream of Chamber of Commerce Road	*6548
			Just upstream of Willow Road River Trail	*6596
Maps available for inspection at Village Hall, Cree Meadows Drive, Ruidoso, New Mexico 88345.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Babylon, Town, Suffolk County (Docket No. FEMA-6333).	Atlantic Ocean	Entire shoreline within community	*15
			Fire Island Inlet shoreline within the community	*12
			Great South Bay shoreline within the community	*8
Maps available for inspection at the Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York.				
New York	Clarkstown, Town, Rockland County (Docket No. FEMA-6333).	Crumm Creek	Confluence with Hackensack River	*124
			Downstream of Phillips Hill Road	*226
			Approximately 60' upstream of Little Tor Road	*269
			Downstream of Rollingwood Drive	*314
			Approximately 100' upstream of Mary Ann Lane	*350
			Downstream of Buena Vista Drive	*452
		Demarest Kill	Confluence with Hackensack River	*96
			Approximately 160' upstream of Old State Route 304	*104
			Upstream of Squadron Boulevard West	*126
			Upstream of New Hempstead Road	*151
			Upstream of Twin Elm Lane	*192
			Downstream of Middletown Road	*249
		East Branch, Hackensack River	Confluence with Hackensack River	*86
			Downstream of Kings Highway	*121
			Approximately 100' upstream of Gilchrest Road	*134
			Approximately 880' upstream of U.S. Route 9W	*151
		Hackensack River	Downstream corporate limits	*60
			Lake DeForest	*86
		West Branch Hackensack River	Upstream of Old State Route 304	*90
			Downstream of Lucille Boulevard Dam	*116
		Mill Creek	Confluence with Hackensack River	*67
			Upstream of Demarest Mill Road	*120
			At Rockford Drive	*166
		Nauraushaun Brook	Downstream corporate limits	*198
			Downstream Pelham Avenue	*266
			Upstream of North Middletown Road culvert	*288
			Downstream of Smith Road	*296
		Pascack Brook	Downstream corporate limits	*329
			Downstream of Old Nyack Turnpike	*343
			Upstream of Pascack Road	*361
			Upstream corporate limits	*406
		Hudson River	Entire shoreline within Clarkstown	*8
Maps available for inspection at the Department of Environmental Control, Town Hall, 10 Maple Avenue, New City, New York.				
New York	Esperance, Town, Schoharie County (Docket No. FEMA-6356).	Schoharie Creek	At downstream corporate limits	*532
			At most downstream Town/Village of Experance corporate limits.	*574
			At most upstream Town/Village corporate limits	*582
			At upstream corporate limits	*594
		Fly Creek	At confluence with Schoharie Creek	*586
			Upstream of U.S. Route 20	*673
Maps available for inspection at the Office of the Town Clerk, Sloansville, New York.				
New York	Middletown, City, Orange County (Docket No. FEMA-6333).	Monhagen Brook	Downstream corporate limits	*467
			Downstream of Genung Street	*495
Maps available for inspection at the Department of Public Works, City Hall, 16 James Street, Middletown, New York.				
New York	Port Jefferson, Village, Suffolk County (Docket No. FEMA-6333).	Long Island Sound	Entire shoreline	*16
		Port Jefferson Harbor	From Belle Terre/Port Jefferson corporate limits to 600 feet southwest of Belle Terre/Port Jefferson corporate limits.	*11
			From 600 feet southwest of Belle Terre/Port Jefferson corporate limits to Port Jefferson/Poquott corporate limits.	*14
		Mt. Sinai Harbor	From the mouth to approximately 250 feet east of Waterview Drive extended.	*16
			From approximately 250 feet east of Waterview Drive extended to the corporate limits.	*15
Maps available for inspection at the Office of the Village Clerk, Village Hall, 121 West Broadway, Port Jefferson, New York.				
New York	Westmoreland, Town, Oneida County (Docket No. FEMA-6356).	Deans Creek	Downstream corporate Limits	*482
			Upstream of Stop Seven Road	*504
			Upstream of State Route 233	*523
			Upstream of Creaser Road	*543
			Upstream of Station Hill Road	*581
			Upstream of Abandoned Railroad	*607
			Upstream of Deans Highway	*633
			Upstream corporate limits	*651
		Sucker Brook	Confluence with Deans Creek	*514
			Downstream of New York State Route 90	*525
		Tributary A to Oriskany Creek	Confluence with Oriskany Creek	*499
			Upstream of Stop Seven Road	*521
			Approximately 900' upstream of State Route 233	*534
		Oriskany Creek	Downstream corporate limits	*481
			Upstream corporate limits	*508
Maps available for inspection at the Town Barn, station Hill Road, Westmoreland, New York.				
North Dakota	Minot (city), Ward County (FEMA-6299)	Souris River	Intersection of 33rd Avenue Southeast and 51st Street Southeast.	*1,547
			Intersection of Burdick Expressway and 15th Street Southeast.	*1,552
			Intersection of 2nd Avenue Northwest and 6th Street Northwest.	*1,557
			Intersection of camino Arboles and Camino Abierto	*1,563
Maps available for inspection at City Manager's Office, Minot Civic Center, Minot, North Dakota.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Altoona, city, Blair County (Docket No. FEMA-6356)	Burgoon Run	Downstream corporate limits	*1,080
			58th Street (upstream side)	*1,106
			Upstream corporate limits	*1,131
		Mill Run	Downstream corporate limits	*1,053
			Coleridge Avenue (upstream side)	*1,072
			Downstream crossing of Union Avenue (upstream side).	*1,080
			Upstream crossing of Union Avenue (upstream side)	*1,112
			6th Avenue and 31st Street (upstream side)	*1,139
			West Chestnut Avenue (upstream side)	*1,166
		Spring Run	Downstream corporate limits	*1,157
			14th Avenue (upstream side)	*1,185
			Approximately 50' upstream of East Penn Avenue	*1,224
			Upstream corporate limits	*1,238
		Brush Run	Downstream corporate limits	*1,097
			14th Street (upstream side)	*1,125
			Approximately 120' downstream of 7th Street	*1,146
Maps available for inspection at the City Engineer's Office, City Hall, Altoona, Pennsylvania.				
Pennsylvania	Lower Windsor, York County (Docket No. FEMA-6262).	Susquehanna River	Downstream corporate limits	*230
			Approximately 6,100' upstream of confluence of Canadochly Creek.	*234
			Upstream corporate limits	*239
		Kreutz Creek	At Meadow Road	*467
			At upstream corporate limits	*487
		Fishing Creek	Downstream of upstream side State Route 624	*544
			Downstream of Winters Road	*566
			At upstream corporate limits	*574
		Cabin Creek	Approximately 2,200' downstream of Forge Hill Road	*299
			Upstream of State Route 124	*314
			Upstream of Meisenheider Road	*328
			Upstream of Prayer Mission Road	*352
			Approximately 100' upstream of Furnace Road	*382
		Cabin Creek Tributary No. 1	Confluence with Cabin Creek	*339
			Downstream of State Route 124	*349
			Approximately 70' upstream of Cabin Creek Road	*367
		Cabin Creek Tributary No. 2	Confluence with Cabin Creek	*386
			Approximately 1,750' upstream of Manor Road	*404
		Canadochly Creek	Confluence with Susquehanna River	*233
			Upstream of Bank Hill Road	*272
			Approximately 1,600' downstream of Water Street	*312
			Approximately 200' upstream of Road T-774	*348
Maps available for inspection at the Lower Windsor Township Office, R.D. 1, Wrightsville, Pennsylvania.				
Pennsylvania	Manheim, Borough, Lancaster County (Docket No. FEMA-6000).	Chickies Creek	Power Road	*397
			Downstream of State Route 772	*399
			Downstream of East Steigel Street	*400
			Downstream of East High Street	*401
		Rife Run	Upstream of West High Street	*392
			Upstream of West Colebrook Street	*400
			Upstream corporate limits (4th crossing)	*406
Maps available for inspection at the Borough Hall, Manheim, Pennsylvania.				
Pennsylvania	Washington, Township, York County (Docket No. FEMA-6262).	Conewago Creek	Downstream corporate limits and confluence of Bermudian Creek.	*372
			Downstream Davidsburg Road	*378
			Approximately 2,500' downstream of Big Mount Road	*385
			Approximately 10,200' upstream of Big Mount Road	*392
			Upstream corporate limits	*400
		Bermudian Creek	Downstream corporate limits and confluence with Conewago Creek.	*372
			Approximately 500' upstream of Bermudian Church Road.	*373
		North Branch Bermudian Creek	Approximately 900' downstream of Bentz Mill Road	*445
			Upstream State Route 194	*474
			Upstream corporate limits	*491
		Tributary No. 1	Confluence with North Branch Bermudian Creek	*458
			Approximately 500' upstream of Mount Top Road	*462
		Tributary No. 2	Confluence with North Branch Bermudian Creek	*459
			Approximately 50' upstream of Barren Church Road	*461
Maps available for inspection at the Washington Township Building.				
Rhode Island	Portsmouth, Town, Newport County (Docket No. FEMA-6356).	Narragansett Bay	Entire shoreline of Patience Island	*18
			Prudence Island, western shoreline from Providence Point south to approximately 0.5 mile south of Middle Road (extended).	*18
			Prudence Island, eastern shoreline from approximately 0.2 mile north of Madison Avenue (extended) to Providence Point.	*18
			Shoreline from southern corporate limits to Mount Hope Bridge.	*17
			Entire shoreline of Hog Island	*17
		Mount Hope Bay	Mount Hope Bridge to Common Fence Point	*17
		Sakonnet River	Common Fence Point to Conrail bridge	*17
			Conrail bridge to approximately 0.1 mile north of Child Street (extended).	*20
			Approximately 0.1 mile north of Child Street (extended) to southern corporate limits.	*17
Maps available for inspection at the Office of the Building Official, Town Hall, 2200 East Main Road, Portsmouth, Rhode Island.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Carolina	Town of Atlantic Beach, Horry County (FEMA-6356)	Atlantic Ocean	Approximately 150 feet seaward of intersection of 1st Avenue and 31st Avenue South along 31st Avenue South.	*16
			Approximately 50 feet seaward of intersection of 1st Avenue and 31st Avenue South along 31st Avenue South.	*14
Maps available for inspection at Town Hall, 701 30th Avenue South, Atlantic Beach, South Carolina.				
South Carolina	Town of Briarcliff Acres, Horry County (FEMA 6356)	Atlantic Ocean	Intersection of Ocean View Drive and Cabana Road	*13
Maps available for inspection at Mayor Turner's home at 30 Center Drive or Councilman Richard Rolses' home at 152 Pinetree Lane, Briarcliff Acres, South Carolina.				
South Carolina	City of Myrtle Beach, Horry County (FEMA 6356)	Atlantic Ocean	Intersection of 3d Avenue South and Ocean Boulevard	*13
			Intersection of 72d Avenue North and Ocean Boulevard.	*13
Maps available for inspection at City Hall, Tenth and Broadway Avenues, Myrtle Beach, South Carolina 29577.				
South Carolina	Town of Surfside Beach, Horry County (FEMA 6356)	Atlantic Ocean	Intersection of Surfside Drive and Ocean Boulevard	*16
			Intersection of Pinewood Drive and Surfside Drive	*15
			Intersection of Myrtle Drive and Juniper Drive	*14
Maps available for inspection at Town Hall, Highway 17 South, Surfside Beach, South Carolina 29577.				
Texas	City of Rosenberg, Fort Bend County (FEMA 6122)	North Branch of Dry Creek	Just downstream of Laurel Avenue	*98
			Just upstream of Laurel Avenue	*99
		Dry Creek	Approximately 250 feet upstream of Louise Avenue	*98
			Approximately 200 feet downstream of Fourth Street	*99
			Just downstream of State Highway 36	*99
		Seabourne Creek	Just downstream of Bernard Avenue extended	*97
		Brazos River	Just upstream of 6th Street extended	*93
Maps available for inspection at City Hall, 2110 South Fourth Street, Rosenberg, Texas 77471.				
Texas	Unincorporated Areas of Wichita County (FEMA-6376).	Wichita River	Just upstream of Cameron Road	*936
			Just downstream of River Road	*941
			Just downstream of Barnett Road	*959
		East Fork Pond Creek	Just downstream of U.S. Highway 287	*981
			Just upstream of U.S. Highway 287	*989
			Just downstream of Tank Farm Road	*990
		East Fork Pond Creek Tributary	Approximately 1,000 feet downstream of Hemme Road.	*1014
		Middle Fork Pond Creek	At State Highway 367	*957
			Just downstream of U.S. Highway 287	*994
			Just downstream of Rogers Road	*996
		West Fork Pond Creek	Just downstream of Horseshoe Lake Road	*977
			Just upstream of Horseshoe Lake Road	*978
			Just upstream of Rogers Road	*1011
		Gordon Creek	Just downstream of N. Atlantic Street	*1015
			Just downstream of Iowa Park corporate limits	*1016
		Buffalo Creek	Just downstream of FM 1814	*976
		Buffalo Creek Tributary	Just downstream of the City of Iowa Park southernmost corporate limits.	*995
			Just downstream of the City of Iowa Park northern corporate limits.	*1013
		Gilbert Creek	Just upstream of Bishop Road	*993
		Plum Creek	Just downstream of the southernmost Wichita Falls corporate limits.	*957
Maps available for inspection at Wichita County Clerk's Office, Seventh And Lamar Streets, Wichita Falls, Texas 76301.				
Virginia	Norfolk, City (Docket No. FEMA-6333)	Chesapeake Bay	Entire shoreline within community	*12
			Entire shoreline of Willoughby Bay	*11
			Shoreline of Elizabeth River from Norfolk and Portsmouth Belt Railway Pier to confluence of southern and eastern Branches of Elizabeth River.	*10
			Shoreline of Lafayetter River from confluence with Elizabeth River to Hampton Boulevard.	*10
			Shoreline of Lafayetter River east of Hampton Boulevard.	*9
			Entire shoreline of southern and eastern Branches of Elizabeth River.	*9
Maps available for inspection at the City Hall, Norfolk, Virginia.				
Virginia	Sussex County (Docket No. FEMA-6333)	Nottoway River	Confluence of Rowanty Creek	*70
			Approximately 50' upstream of State Route 40	*73
			Approximately 100' upstream of Interstate 95	*83
			Upstream Seaboard Coastline Railroad	*89
			Upstream County boundary	*94
		Rowanty Creek	Confluence with Nottoway River	*70
			Upstream of State Route 602	*71
			Approximately 2,050' upstream of Interstate 95	*75
		Stony Creek	Confluence with Nottoway River	*72
			Upstream of Seaboard Coastline Railroad	*79
			Upstream of County boundary	*86
		Sappony Creek	Confluence with Stony Creek	*83
			Upstream of State Route 681	*88
			Approximately 12,900' upstream of State Route 681	*106
		Peaquarter Swamp	Confluence with Stony Creek	*83
			Upstream of State Route 681	*91
			At County boundary	*121
Maps available for inspection at the County Courthouse, Sussex, Virginia.				

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

Issued: September 22, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29172 Filed 10-27-82; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Parts 205, 206, and 233

Aid to Families With Dependent Children; Correction

AGENCY: Social Security Administration, HSS.

ACTION: Correction to final rules.

SUMMARY: This document corrects final rules which amended the Aid to Families With Dependent Children program, as mandated by the Omnibus Budget Reconciliation Act of 1981. The final rules were published on February 5, 1982 (47 FR 5648). This action is necessary to correct errors in punctuation, citations, to reinstate paragraphs or language inadvertently omitted from the final regulation, and to include technical corrections which were erroneously omitted from the final regulations.

EFFECTIVE DATE: The final regulations, as corrected, are effective October 1, 1981, except § 233.20(a)(13)(v) which contains information collection requirements subject to OMB approval.

FOR FURTHER INFORMATION CONTACT: Mr. David Siegel, Office of Family Assistance, SSA, Transpoint Building, 2100 Second Street, SW., Washington, D.C. 20201, (202) 245–2736.

SUPPLEMENTARY INFORMATION: We have made the following changes in the final rules. We have included a correction to § 205.10 to make clear that subparagraphs (i) through (v) of paragraph (a)(5) are retained and still in effect. In § 206.10(a)(1) of the final regulation a new subparagraph (vi) was added. We have clarified the fact that numbered subparagraphs (iv) and (v) of § 206.10(a)(1) are reserved for future use. In § 233.20(a)(7)(i), we have inserted two sentences following the colon in the first sentence which were omitted. In 45 CFR 26.10(a)(4), we have reinstated a reference and added clarifying language inadvertently omitted from the final regulations. A clarification in language is made in § 233.20(a)(13)(i)(A)(2) to indicate that in determining the 90 percent level, the agency will consider aid, income, and liquid resources.

Two conforming changes not a part of the final regulations (45 CFR 233.10(b), and 45 CFR 233.26(b)), have been included. In § 233.10(b)(4), we have substituted the words "principal earner" in the place of "father" at the end of the sentence. In § 233.26, we have deleted paragraph (b) since it no longer applies to the adult assistance categories. The content of this paragraph is now in § 233.33(b). Finally, in § 233.20(a)(3)(i) we have corrected the paragraph designations to distinguish provisions applicable to the AFDC program from the adult assistance programs.

Dated: October 18, 1982.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

Accordingly, the Department of Health and Human Services is correcting the following parts of Title 45 of the Code of Federal Regulations which were published February 5, 1982 (47 FR 5648) to read as follows:

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

1. Section 205.10 (a)(5) is corrected to reinstate subparagraphs (i) through (v) to read as follows. (The introductory text of paragraph (a)(5) is reprinted for the convenience of the user.)

§ 205.10 Hearings.

(a) *State plan requirements.* * * *

* * * * *

(5) An opportunity for a hearing shall be granted to any applicant who requests a hearing because his or her claim for financial assistance (including a request for supplemental payments under §§ 233.23 and 233.27) is denied, or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by any agency action resulting in suspension, reduction, discontinuance, or termination of assistance, or determination that a protective, vendor, or two-party payment should be made or continued. A hearing need not be granted when either State or Federal law requires automatic grant adjustments for classes of recipients unless the reason for an individual appeal is incorrect grant computation.

(i) A request for a hearing is defined as a clear expression by the claimant (or his authorized representative acting for him), to the effect that he wants the opportunity to present his case to higher authority. The State may require that such request be in written form in order to be effective;

(ii) The freedom to make such a request shall not be limited or interfered with in any way. The agency may assist the claimant to submit and process his request;

(iii) The claimant shall be provided reasonable time, not to exceed 90 days, in which to appeal an agency action;

(iv) Agencies may respond to a series of individual requests for hearing by conducting a single group hearing. Agencies may consolidate only cases in which the sole issue involved is one of State or Federal law or policy or changes in State or Federal law. In all group hearings, the policies governing hearings must be followed. Thus, each individual claimant shall be permitted to present his own case or be represented by his authorized representative;

(v) The agency may deny or dismiss a request for a hearing where it has been withdrawn by the claimant in writing, where the sole issue is one of State or Federal law requiring automatic grant adjustments for classes of recipients, where a decision has been rendered after a WIN hearing before the manpower agency that a participant has, without good cause, refused to accept employment or participate in the WIN program, or has failed to request such a hearing after notice of intended action for such refusal, or where it is abandoned. Abandonment may be deemed to have occurred if the claimant, without good cause therefor, fails to appear by himself or by authorized representative at the hearing scheduled for such claimant.

* * * * *

PART 206—APPLICATION, DETERMINATION OF ELIGIBILITY AND FURNISHING ASSISTANCE—PUBLIC ASSISTANCE PROGRAMS

2. Section 206.10 is corrected by replacing the period at the end of paragraph (a)(1)(iii) with the word "and" and removing and reserving subparagraphs (iv) and (v) of paragraph (a)(1) to read as follows:

§ 206.10 Application, determination of eligibility, and furnishing of assistance.

(a) *State plan requirements.* * * *

(1) * * *

(iv) [Reserved]

(v) [Reserved]

(vi) * * *

* * * * *

3. Section 206.10 (a)(4) is corrected to read as follows:

§ 206.10 Application, determination of eligibility, and furnishing of assistance.

(a) *State plan requirements.* * * *

(4) Adequate notice shall be sent to applicants and recipients to indicate that assistance, including supplemental payments under § 233.27, has been authorized (including the amount of financial assistance) or that it has been denied or terminated. Under this requirement, adequate notice means a written notice that contains a statement of the action taken, and the reasons for and specific regulations supporting such action, and an explanation of the individual's right to request a hearing.

* * * * *

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

4. The following language was inadvertently omitted and should be inserted on page 5674 as follows:

60. Section 233.10 is amended by revising paragraph (b)(4) to read as follows:

§ 233.10 General provisions regarding coverage and eligibility.

* * * * *

(b) *Federal financial participation.* * * *

(4) Federal financial participation is available in assistance payments which are continued in accordance with the State plan, for a temporary period during which the effects of an eligibility condition are being overcome, e.g., blindness in AB, disability in APTD, physical or mental incapacity, continued absence of a parent, or unemployment of a principal earner in AFDC.

* * * * *

5. Section 233.20(a)(3)(i) is corrected to insert a designation "(A)" immediately following the designation "(i)" and removing the designation "(A)" immediately preceding the word "Specify" to read as follows:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State plans.* * * *

(3) *Income and resources*—(i)(A) *OAA, AB, APTD, AABD.* * * *

* * * * *

6. Section 233.20 is amended by revising paragraph (a)(7)(i) is corrected to insert two sentences after the colon in the first sentence. As corrected, paragraph (a)(7)(i) reads as follows:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State plans.* * * *

(7) *Disregard of earned income; method.*

(i) Provide that for other than AFDC, the following method will be used for disregarding earned income: The applicable amounts of earned income to be disregarded will be deducted from the gross amount of "earned income," and all work expenses, personal and non-personal, will then be deducted. Only the net amount remaining will be applied in determining need and the amount of the assistance payment.

* * * * *

7. Section 233.20(a)(13)(i)(A)(*2*) is corrected to read as follows:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State plans.*

* * *

(13) *Recovery of overpayments and corrections of underpayments for AFDC.*

* * *

(i) * * *

(A) * * *

(*2*) If recovery is made from the grant, such recovery shall result in the assistance unit retaining, for any payment month, from the combined aid, income and liquid resources, (without application of section 402(a)(8) of the Act) not less than 90 percent of the amount payable under the State plan to a family of the same composition with no other income. Where a State chooses to recover at a rate less than the maximum, it must recover promptly.

* * * * *

8. The following language was inadvertently omitted and should be inserted on page 5678 as follows:

10a. Section 233.26 is amended by removing and reserving paragraph (b).

§ 233.26 Retrospective budgeting; determining eligibility after the initial one or two months.

(a) * * *

(b) [Reserved]

* * * * *

§ 233.51 [Corrected]

9. Section 233.51 is corrected by inserting in the next to last line of the introductory paragraph, the word "to" before "his or her sponsor)".

[FR Doc. 82-29121 Filed 10-27-82; 8:45 am]

BILLING CODE 4190-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 82-445]

Commission Organization; Amendment To Establish the Mass Media Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the Commission's Rules to incorporate the consolidation of the Broadcast Bureau and the Cable Television Bureau into the Mass Media Bureau. This reorganization was necessary to reflect new regulatory philosophies and emerging technologies. The reorganization creates an integrated organizational structure for the administration of Commission policies regarding traditional broadcasting, cable television and the emerging television delivery systems, by combining these services into a single Bureau.

EFFECTIVE DATE: November 30, 1982.

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

FOR FURTHER INFORMATION CONTACT: Richard D. Goodfriend, Office of Managing Director, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 0

Organization and functions (Government agencies).

Order

Adopted: September 14, 1982.

Released: October 13, 1982.

In the matter of Amendment of Part 0 of the Commission's Rules to establish the Mass Media Bureau.

1. The Commission has before it for consideration the combination of the Broadcast Bureau and the Cable Television Bureau into a newly established Mass Media Bureau. Implementation of the proposed changes would require removal of §§ 0.71, 0.72, 0.83, 0.84, 0.281, 0.282, 0.287, 0.288 and 0.290 plus the addition of §§ 0.61, 0.62, 0.283, 0.284, and 0.285 of the Commission's Rules and Regulations.

2. To reflect new regulatory philosophies and emerging technologies, the Commission is hereby approving the combination of the Broadcast Bureau and the Cable Television Bureau into the Mass Media Bureau. This reorganization creates an integrated organizational structure for the administration of Commission policies regarding traditional broadcasting, cable television and the emerging television delivery systems, by combining these essentially similar consumer services into a single Bureau. The Commission believes that this consolidation will result in: (1) Faster and more efficient authorization of service; (2) reduction of duplicate recordkeeping; (3) less confusion about FCC services among consumers; (4) greater flexibility of staff utilization; and (5) more orderly development of emerging television delivery technologies.

3. The amendments adopted herein pertain to agency organization. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act are, therefore, inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended.

4. In view of the foregoing, it is ordered, effective November 30, 1982, that Part 0 of the Rules and Regulations is amended as set forth in the Appendix hereto.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 0—[AMENDED]

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

§§ 0.71, 0.72, 0.83, 0.84, 0.281, 0.282, 0.287, 0.288 and 0.290 [Removed]

1. By removing §§ 0.71, 0.72, 0.83, 0.84, 0.281, 0.282, 0.287, 0.288, and 0.290 and the undesignated center headings appearing with these sections.

2. By adding §§ 0.61, 0.62, 0.283, 0.284, and 0.285 and the following undesignated center headings:

Mass Media Bureau

§ 0.61 Functions of the Bureau.

The Mass Media Bureau develops, recommends and administers policies and programs for the regulation of all radio and television broadcast industry services. Advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and development of radio and television services. The Mass Media Bureau has the following duties and responsibilities:

(a) Process applications for authorizations in radio and television services, including conventional and auxiliary broadcast services, direct broadcast satellite services and cable television relay services.

(b) Administer U.S. responsibilities under international agreements and treaty obligations pertaining to broadcasting.

(c) Process applications for renewal of licenses and for assignment or transfer of ownership interests in such licenses.

(d) Participate in hearings before the Administrative Law Judges, the Review Board and the Commission.

(e) Plan and develop proposed rulemakings and conduct comprehensive studies and analyses (legal, engineering, social and economic) of various petitions for policy or rule changes submitted by industry or the public.

(f) Conduct studies and compile data relating to radio and television network operations necessary for the Commission to develop and maintain an adequate regulatory program.

(g) Investigate complaints and answer general inquiries from the public and handle political broadcasting and fairness doctrine complaints.

(h) Develop, recommend, implement, and administer policies and programs with respect to the regulation of cable television systems and related private microwave radio facilities.

§ 0.62 Units of the Bureau.

The Mass Media Bureau is comprised of the following units:

(a) Office of the Bureau Chief.

(b) Administration and Management Staff.

(c) Audio Services Division.

(d) Enforcement Division.

(e) Policy and Rules Division.

(f) Video Services Division.

Chief, Mass Media Bureau

§ 0.283 Authority delegated.

The performance of functions and activities described in section 0.61 of this part is delegated to the Chief, Mass Media Bureau: Provided, That the following matters shall be referred by the Chief, Mass Media Bureau to the Commission en banc for disposition:

(a) *Applications.* Formal and informal applications for new or modified facilities, and for the renewal, assignment, and transfer of construction permits and licenses involving such facilities, when such applications fail to satisfy the requirements of Commission rules or established Commission policy in the following areas of special concern:

(1) *Multiple ownership, concentration of control, and cross-interests.* (i) Acquisition of a third broadcast station or modification of facilities if such would result in the common ownership of three broadcast stations where any two are within 100 miles of a third and primary service contour overlap would occur; "one-to-a-market" situations involving UHF stations or TV satellite stations; and duopoly situations involving TV satellite stations. (Commonly owned AM and FM stations in the same market are treated as one station for the purpose of the "third station" limitations.)

(ii) Acquisition of a broadcast station by a newspaper in the same area, or other organization having substantial interests in the print media in the same area.

(iii) Creation of common ownership interests, management ties, or employment relationships between licensees serving substantial common areas and populations. Commonality of areas and populations served shall be determined in duopoly situations by overlap of the following service contours: AM—1 mVm; FM—1 mVm; and TV—Grade B. In "one-to-a-market" situations, commonality of areas and populations served shall be determined by community encompassment with the following service contours: AM—2 mVm; FM—1 mVm; and TV—Grade A.

(iv) Acquisition of broadcast properties by corporations or individuals appearing to dominate the economic life of the community.

(2) *Trafficking.* Acquisition of broadcast properties by persons having a history of short term buying and selling such properties, or seeking waiver of the "three-year rule" (section 1.597) when the seller will realize a profit.

(3) *Anti-trust activity, unfair trade practices, and violations of law not previously considered by the Commission.*

(i) Proposals by applicants against whom communications-related anti-trust suits are pending or against whom there is pending any anti-trust suit in which an adverse verdict has been reached.

(ii) Proposals by applicants who have entered into a consent decree, have pleaded guilty or nolo contendere, or have been adjudged guilty in an anti-trust case during the three-year period preceding the filing of the application.

(iii) Proposals by applicants who have been the subject of a final cease and

desist or consent order issued by the Federal Trade Commission during the three-year period preceding the filing of the application.

(iv) Proposals by applicants or including parties with felony or capital offense conviction records, or against whom a criminal proceeding is pending.

(4) *Violations and complaint matters.* Proposals filed by applicants against whom violation notices of a serious nature are outstanding or against whom questions suggesting serious misconduct remain unresolved, or by applicants with records of serious past misconduct.

(5) *Equal employment opportunities.* Proposals filed by applicants whose equal employment opportunities programs do not comply with Commission rules or policies and cannot be cleared by further staff inquiry or action, or whose past performance suggests the existence of discriminatory practices.

(6) *Short term licenses and renewals.* Proposals which in the opinion of the Chief, Mass Media Bureau, warrant the issuance of a short-term license or renewal authorization.

(7) *Programming: Commercial matter.* (i) Commercial TV applicants for a new station or assignment or transfer, or renewal of license, proposing to exceed 16 minutes of commercial matter per hour, or during periods of high demand for political advertising, providing for exceptions permitting in excess of 20 minutes of commercial matter per hour during 10% or more of the station's total weekly hours of operation.

(8) *Programming: Program content and ascertainment of community needs.* (i) Applications for new stations or assignments and transfers.

(A) Commercial AM and FM proposals of applicants for new stations and of assignees and transferees that have not submitted a narrative statement of their proposed programming, commercial TV proposals of applicants for new stations and of assignees and transferees (except those made by UHF stations not affiliated with major networks) which project for the hours 6:00 a.m. to 12:00 midnight less than the indicated percentages in one or more of the following categories: 5% total local programming; 5% informational (news plus public affairs) programming; and 10% total non-entertainment programming.

(B) Commercial TV proposals of applicants for new stations and of assignees or transferees which contain substantial ascertainment defects which, for any reason, cannot be resolved by further staff inquiry or action. (See 1971 Ascertainment Primer: 27 FCC 2d 650 (1971), 36 FR 4092).

(ii) Applications for renewal.

(A) Commercial TV proposals (except those made by UHF stations not affiliated with major networks) which project for the hours 6:00 a.m. to 12:00 midnight less than the indicated percentages in one or more of the following categories: 5% total local programming; 5% informational (news plus public affairs) programming; and 10% total non-entertainment programming.

(B) Commercial TV proposals containing substantial ascertainment defects which, for any reason, cannot be resolved by further staff inquiry or action. (See 1976 Ascertainment Primer: 57 F.C.C. 2d 418 (1975) recon. granted in part, 61 F.C.C. 2d 1 (1976)).

(9) *Programming: Promise versus performance.* (i) Applications for assignments and transfers.

TV applications for assignment or transfer which very substantially from the assignor's or transferor's prior representations with respect to commercial practices (as set forth in paragraph (a)(7) of this section), or from the programming categories (as set forth in paragraph (a)(8) of this section), and for which variation there is lacking, in the judgment of Mass Media Bureau, adequate justification in the public interest.

(ii) Applications for renewal.

Commercial TV applications for renewal which vary substantially from prior representations with respect to commercial practices (as set forth in paragraph (a)(7) of this section), or from the programming categories set forth in paragraph (a)(8) of this section, and for which variation there is lacking, in the judgment of the Mass Media Bureau, adequate justification in the public interest.

(10) *Hearing Orders.* (i) Mutually exclusive applications, including renewal and construction permit applications, involving non-routine hearing issues.

(ii) Other renewal and assignment and transfer applications which appear to call for an evidentiary hearing.

(iii) Such other applications, as in the opinion of the Chief, Mass Media Bureau, warrant referral to the Commission prior to designation for hearing.

(11) *Interference and mileage separations.* Proposals for new or modified AM, FM, and TV facilities which would create substantial new prohibited overlap or station separation shortages. In the case of AM proposals (other than Class IV), a net increase in objectionable interference to another AM station involving more than 1 percent of the population served by such other station, whether or not consented to by the station affected, shall be referred to the Commission.

(12) *Station location.* (i) Commercial AM, FM, and TV proposals which on their face, appear realistically intended to serve another community of larger size. Signal penetrations of 5 mV/m (AM), 3.16 mV/m (FM), and city grade (TV) shall be used in determining whether referral to the Commission is appropriate.

(ii) Any other such proposal raising allocations problems or presumptions under section 307(b) of the Communications Act which, for any reason, cannot be resolved by further staff inquiry or action.

(13) *Main studio relocation.* All AM, FM, and TV proposals for main studio relocation, or for waiver of main studio program origination requirements under circumstances which have traditionally been viewed as creating a de facto change in station location.

(14) *VHF television expansion.* Commercial VHF television proposals seeking to bring or extend their Grade B contours into a significant area or population included within the predicted Grade B contour of a UHF television station where the area or population involved is covered by fewer than 4 VHF television signals.

(15) *Agreements to amend or dismiss applications.* Any situation in which a community will be deprived of a proposed broadcast station by reason of amendment or dismissal of an application mutually exclusive with another application for a different community.

(16) *Experimental and developmental operation.* Proposals for experimental and developmental authority containing policy implications which, in the opinion of the Chief, Mass Media Bureau, warrant referral to the Commission.

(17) *Miscellaneous applications and requests.* (i) Proposals for special temporary, emergency, conditional, or interim operating authority of more than routine significance.

(ii) Any other application, proposals, or request presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(b) *Petitions and other requests for Commission action.* (1) Petitions to deny, informal objections, and other petitions, directed against AM, FM, and TV applications for new or modified facilities, or for renewal, assignment or transfer of control, will be referred to the Commission if they: (i) Contain new or novel issues not previously considered by the Commission, (ii)

appear to justify a change in Commission policy; or (iii) present documented allegations of failure to comply with the Commission's Equal Employment Opportunity rules and policies, or the applicant in question falls outside the applicable processing criteria in its employment of women and minorities.

(2) Petitions and other requests for reconsideration of actions taken by the Chief, Mass Media Bureau, when such petitions or requests contain new or novel arguments not previously considered by the Commission, present facts or arguments which appear to justify a change in Commission policy, or request reconsideration of orders designating cases for hearing.

(3) Applications for review of actions taken by the Chief, Mass Media Bureau, which comply with § 1.115 of this chapter.

(4) Petitions and other requests for waiver of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(6) Petitions for rulemaking which have been accepted under § 1.403, and final dispositions of rulemaking proceedings not involving routine changes in the FM and TV Tables of Assignments.

(7) Petitions and other requests for waiver of the prime-time access rule, in areas where Commission policy is not clearly established.

(8) Petitions and other requests for long-term waiver of the policy limiting affiliations by commonly owned networks in the same market.

(9) Petitions and other requests for waiver of the sponsorship identification provisions of the Communications Act, in accordance with section 317(d) thereof.

(10) Any other petition, pleading, or request presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(c) *Administration and enforcement.* (1) Proposed orders to show cause why station licenses or construction permits should not be revoked.

(2) Proposed actions following any case remanded by the courts.

(3) Notices of opportunity for hearing pursuant to § 1.80(g) of this chapter; and notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under § 1.80(f) if the amount set out in the notice of apparent liability is more than $4,000.

(4) Proposed public notices expressing Commission policy, interpreting the provisions of law, regulations, or treaties, or warning the broadcast industry as to certain types of violations.

(5) Problems involving apparent violation of the Commission's rules governing equal employment opportunities or otherwise indicating the existence of discriminatory practices which, in the opinion of the Chief, Mass Media Bureau, or the Equal Employment Opportunity Commission should be brought to the attention of FCC Commissioners.

(6) Any other complaint or enforcement matter presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

§ 0.284 Actions taken under delegated authority.

(a) In discharging the authority conferred by § 0.281 of this part, the Chief, Mass Media Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility:

(1) Complaints arising under sections 315 and 605 of the Communications Act—Office of General Counsel.

(2) Objections to proposed call signs and requests for waiver of procedural rules governing call sign assignments—Office of Managing Director.

(3) Requests for waiver or refund of filing and/or grant fees—Office of Managing Director and Office of General Counsel.

(4) Requests for waiver of tower painting and lighting specifications—Field Operations Bureau.

(5) Matters involving emergency communications—Office of Managing Director.

(6) Complaints involving equal employment opportunities—Office of General Counsel.

(7) Requests for use of frequencies or bands of frequencies shared with private sector nonbroadcast or government services—Office of Science and Technology and appropriate operating bureau.

(8) Requests involving coordination with other agencies of government—Office of General Counsel, Office of Science and Technology and appropriate operating bureau.

(9) Proposals involving transmitter sites on public lands owned or controlled by the Departments of Agriculture or Interior—Office of Science and Technology.

(10) Proposals involving possible harmful impact on radio astronomy or radio research installations—Office of Science and Technology.

(11) To act on all applications for authorization, petitions for special relief, petitions to deny, waiver requests, objections, complaints, and requests for declaratory rulings and stays in the Cable Television Services, unless novel questions of fact, law or policy are involved which cannot be resolved under existing precedents and guidelines.

(b) With respect to non-routine applications granted under authority delegated in § 0.283 of this part, the Chief, Mass Media Bureau or his designees, shall enter on the working papers associated with each application a narrative justification of the action taken. While not available for public inspection, these working papers shall, upon request, be made available to the Commissioners and members of their staffs.

(c) The Chief, Mass Media Bureau, shall prepare and submit to the Commission a quarterly statistical summary of actions taken during the preceding quarter under authority delegated to him in § 0.283 of this part. The statistical summary shall be accompanied by a statement of industry trends apparent in the staff handling of non-routine matters during the same quarter.

§ 0.285 Record of actions taken.

The history card, the station file, and other appropriate files are designated to be the official record of the action taken by the Chief of the Mass Media Bureau.

[FR Doc. 82-29589 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-305; RM-4055; RM-4166]

FM Broadcast Station in Valdosta and Nashville, Georgia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 244A to Valdosta, Georgia, and Channel 237A to Nashville, Georgia, in

response to requests by The Rainbow Group and by Country Communications, Inc., respectively. Valdosta could receive a fourth commercial FM station while Nashville could obtain a first local FM station.

DATE: Effective December 20, 1982.

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

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order—Proceeding Terminated

Adopted: October 14, 1982.

Released: October 21, 1982

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Valdosta and Nashville, [1] Georgia; BC Docket No. 82-305, RM-4055, RM-4166.

1. The Commission has under consideration its notice of proposed rule making herein, published in the **Federal Register** on June 22, 1982 (47 FR 26861). The notice proposed to assign FM Channel 244A to Valdosta, Georgia, in response to a request by The Rainbow Group ("petitioner"). Comments were filed by petitioner reaffirming its intention to apply for operation on the channel if so assigned.

2. Comments and a counterproposal were filed by Country Communications, Inc. ("Country"). [2] Country contends that more than the usual quota of FM assignments have already been made to Valdosta and that there is a greater need for an assignment in Nashville, Georgia. Country requests that Channel 244A be assigned to Nashville. Country states that it would apply for operation on the channel if it were so assigned.

3. Petitioner filed reply comments showing that Channel 237A could be used at Nashville in full compliance with all spacing requirements if the station were located southwest of the city. Petitioner states that Channel 237A cannot be used at Valdosta and that the Commission "should utilize the FM spectrum to the fullest extent possible by assigning Channel 244A to Valdosta." [3]

4. Our study shows that Channel 237A can be assigned to Nashville with a site restriction of approximately 2 miles south of the city. Operation from such a site would appear to present no problems of providing a required 70 dBu signal over all of the city of Nashville.

5. In view of the foregoing, we find that the public interest would be served by the assignment of Channel 244A to Valdosta, Georgia, and Channel 237A to Nashville, Georgia. As a result, Valdosta could receive a fourth commercial FM station while Nashville could obtain a first local FM service.

6. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's Rules.

7. Accordingly, it is ordered, That effective December 20, 1982, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following communities:

City	Channel No.
Nashville, Ga	237A.
Valdosta, Ga	225, 240A, 244A, 266.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Philip S. Cross, Broadcast Bureau, (202) 632-5414.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29584 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-323; RM-4088]

Radio Broadcast Services, FM Broadcast Station in Ishpeming, Mich.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Channel 298 for Channel 296A at Ishpeming, Michigan, in response to a petition filed by Taconite Broadcasting, Inc. and modifies the license of Station WMQT-FM (Channel 296A) to specify operation on Channel 298.

DATE: Effective December 20, 1982.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order—Proceeding Terminated

Adopted: October 14, 1982.

Released: October 21, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Ishpeming, Michigan); BC Docket No. 82-323, RM-4088.

1. The Commission has under consideration a notice of proposed rule making, 47 FR 29287, published July 6, 1982, filed by Taconite Broadcasting, Inc. ("petitioner") proposing the substitution of Channel 298 for Channel 296A at Ishpeming, Michigan, and modification of the license for Station WMQT-FM, Channel 296A, to specify operation on Channel 298. Petitioner submitted comments in support of the proposal. No oppositions to the proposal were received.

2. A site restriction of 1.7 miles southeast of the city is required.

3. Canadian concurrence has been received.

4. The Commission has determined that the public interest would be served by substituting Class C Channel 298 for Channel 296A at Ishpeming, Michigan, since it would provide expanded service to the area. Since no other expressions of interest have been filed, we are also modifying the license of Station WMQT-FM to specify operation on Channel 298.

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's Rules, it is ordered, that effective December 20, 1982, § 73.202(b) of the Commission's Rules is amended with respect to the following community.

City	Channel No.
Ishpeming, Mich.	222, 298.

6. It is further ordered, pursuant to authority contained in section 316 of the Communications Act of 1934, as amended, that the license of Station WMQT-FM, Ishpeming, Michigan, is

[1] This community has been added to the caption.

[2] Public Notice of the counterproposal was given on August 2, 1982, Report No. 1369.

[3] Country subsequently filed a "Request for Continuation of Consolidation of Rulemaking Proceeding" in which it declared that the two proposals "should be continued as a joint docket" and acted upon simultaneously.

modified to specify operation on Channel 298 subject to the following:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

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

8. It is further ordered that the Secretary shall send a copy of this *Order* by Certified Mail, Return Receipt Requested, to Taconite Broadcasting Company, Inc., 326 Quincy Street, Hancock, Michigan 49849.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1063, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29583 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-306; RM-4056]

Radio Broadcast Services, FM Broadcast Station in Miles City, Montana; Changes Made in Table of Assignments

AGENCY: Federal Cummunications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes commercial FM Class C Channel 223 for Channel 224A at Miles City, Montana, and modifies the construction permit for Station KMCM-FM, Miles City, to specify operation on Channel 223, at the request of Miles City Broadcasting Corporation.

DATE: Effective December 20, 1982.

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

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order—Proceeding Terminated

Adopted: October 14, 1982.

Released: October 21, 1982.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Miles City, Montana); BC Docket No. 82-306, RM-4056.

1. The Commission has under consideration its notice of proposed rule making herein published in the **Federal Register** on June 22, 1982 (47 FR 26866). The Notice was issued in response to a petition by Miles City Broadcasting Corporation ("petitioner"), permittee of FM Station KMCM-FM, Channel 224A, Miles City, Montana. The Notice to substitute Channel 223 for Channel 224A at Miles City and to modify the permit for Station KMCM-FM to specify operation on Channel 223. Petitioner filed comments in support of the proposal. No oppositions to the proposal were filed.

2. We believe that the public interest would be served by the substitution of Class C Channel 223 for Channel 224A at Miles City, Montana, in order to provide a wide coverage area service to this region. Additionally, we have authorized a modification of Miles City Broadcasting Corporation's construction permit for Station KMCM-FM to specify operation on Channel 223, since there has been no other expression of interest in the Class C Channel. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§0.281 and 0.204(b) of the Commission's rules, it is ordered, that effective December 20, 1982, the FM Table of Assignments, §73.202(b) of the Rules, is amended as follows:

City	Chanel No.
Miles City, Mont.	223

4. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the construction permit of Miles City Broadcasting Corporation for Station KMCM-FM, Miles City, Montana, is modified, effective December 20, 1982, to specify operation on Channel 223 in lieu of Channel 224A, subject to the following:

(a) The permittee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

5. It is further ordered, That the Secretary shall send a copy of this Order by Certified Mail, Return Receipt Requested, to: Miles City Broadcasting Corporation, 60 West Fourth Street, St. Paul, Minnesota, 55102.

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning the above, contact Philip S. Cross, Broadcast Bureau, (202) 632-5414.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29580 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-352; RM-4096]

Radio Broadcast Services, TV Broadcast Stations in Wilmington, North Carolina; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes UHF television Channel 26 for Channel 29 at Wilmington, North Carolina, as requested by Wilmington Telecasters, Inc., and modifies its construction permit to specify operation on Channel 26 instead of Channel 29.

DATE: Effective December 20, 1982.

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

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Wilmington, North Carolina); BC Docket No. 82-352, RM-4096.

Report and Order—Proceeding Terminated

Adopted: October 14, 1982.

Released: October 21, 1982.

1. The Commission has before it for consideration a notice of proposed rule making, 47 FR 29858, published July 9, 1982, in response to a petition filed by Wilmington Telecasters, Inc. ("petitioner"), permittee of a new television station to operate on Channel 29 at Wilmington, North Carolina. Petitioner requested that Channel 26 be substituted for Channel 29 and that its permit be modified to specify operation on Channel 26. Petitioner requested the change in channels in order to relocate its transmitter at a more desirable site.

2. Supporting comments were filed by petitioner in which it reaffirmed its intention to file for the channel, if assigned. No oppositions to the proposal were received.

3. We conclude that the public interest would be served by the substitution of Channel 26 for Channel 29 and the modification of petitioner's construction permit to specify operation on Channel 26.

4. The assignment of Channel 26 requires a site restriction of 16.8 miles southeast of Wilmington, and petitioner's construction permit will be modified accordingly.

5. Authority for the adoption of the amendment herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204 and 0.281 of the Commission's Rules.

7. Accordingly, it is ordered, That effective December 20, 1982, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with regard to the following community:

City	Channel No.
Wilmington, N.C	3-, 6, 26-, *39-

8. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the construction permit of Wilmington Telecasters, Inc. for a new television station in Wilmington, North Carolina, is modified, effective December 20, 1982, to specify operation on Channel 26 in lieu of Channel 29. The modification is subject to the following:

(a) The permittee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to Section 1.1301 of the Commission's Rules.

9. It is further ordered, That the Secretary shall send a copy of this order by Certified Mail, Return Receipt Requested, to: Wilmington Telecasters, Inc., c/o P.O. Box 586, Durham, North Carolina 27702.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning the above, contact Philip S. Cross, Broadcast Bureau, (202) 632-5414.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29581 Filed 10-27-82, 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-249; RM-4083, RM-4141, RM-4142]

Radio Broadcast Services, FM Broadcast Stations in Clarion, Emporium and Mercer, Pennsylvania; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 224A to Clarion, Pennsylvania, and Channel 244A to Mercer, Pennsylvania, in response to requests by Clarion County Broadcasting Company and Mercer County Broadcasting Company, respectively. In addition, Channel 257A is substituted for Channel 224A at Emporium, Pennsylvania. The assignment could provide a first FM service to Clarion and a second FM service to Mercer. A separate request for a first FM channel at Sugar Creek, Pennsylvania, was withdrawn.

EFFECTIVE: December 20, 1982.

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

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73.

Radio broadcasting.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Clarion, Emporium [1] and Mercer,[1] Pennsylvania); BC Docket No. 82-249, RM-4083, RM-4141, RM-4142.

Report and Order—Proceeding Terminated

Adopted: October 14, 1982.

Released: October 21, 1982.

1. The Commission has before it the Notice of proposed rule making herein, published in the **Federal Register** on May 11, 1982 (47 FR 20162), proposing to assign FM Channel 244A to Clarion, Pennsylvania, in response to a petition by Clarion County Broadcasting Company ("petitioner").[2]

2. Two counterproposals were filed in response to the *Notice*.[3] Mercer County Broadcasting Company ("Mercer Broadcasting") proposed the assignment of Channel 224A to Clarion; Channel 244A to Mercer, Pennsylvania; and substitution of Channel 257A for Channel 224A at Emporium, Pennsylvania.[4] Stephen Strattan ("Strattan") [5] proposed that Channel 244A be assigned to Sugar Creek Borough, Pennsylvania, instead of Mercer. Strattan withdrew this proposal on September 1, 1982.

3. Petitioner's proposal is supported in letters from various businesses and organizations in Clarion.

4. Mercer Broadcasting claims that its proposal should be preferred because it contains assignment opportunities for both Clarion and Mercer.

5. In reply comments, petitioner stresses the need for a fulltime radio service in Clarion, and Mercer Broadcasting stresses that its counterproposal would provide channel assignments to both Clarion and Mercer.

6. The Commission's staff has determined that no channel other than 244A can be assigned to Mercer in compliance with our Rules. The assignment of Channel 244A to Mercer would involve a site restriction of 4.6 miles north of Mercer to meet spacing requirements to Station WFFM-FM, Braddock, Pennsylvania. The assignment of Channel 224A to Clarion would involve a site restriction of 6.8

[1] These communities have been added to the caption.

[2] Petitioner is licensee of AM Radio Station WWCH, Clarion, Pennsylvania.

[3] Public Notice of the two counterproposals was issued on July 2, 1982, Report No. 1361.

[4] There is one application pending for Channel 224A at Emporium filed by Emporium Broadcasting Company (File No. 8206323AH).

[5] Strattan is licensee of Station WHCX-FM, Brookville, Pennsylvania.

miles east of Clarion to meet spacing requirements to Station WPNT–FM, Pittsburgh, Pennsylvania. Further, assignment of Channel 224A to Clarion would necessitate a change in the assignment to Emporium, Pennsylvania, from Channel 224A to 257A. Mercer Broadcasting states that Channel 257A could be used at the transmitter site proposed by Emporium Broadcasting with no short spacing. Mercer Broadcasting further states that Channel 257A could be substituted for Channel 224A in the Emporium application without the necessity of any additional engineering work and that no additional costs should be incurred by Emporium Broadcasting in making the channel change.

7. Petitioner states that it would apply for either channel (244A and 224A) at Clarion.

8. We conclude that the public interest would be served here by our assigning Channel 244A to Mercer and Channel 224A to Clarion to provide a second local FM service to Mercer and a first local FM service to Clarion. The assignment at Emporium will be changed from Channel 224A to Channel 257A.

9. Petitioner and Mercer Broadcasting have stated their intent to apply for the respective channels, if assigned, and, if authorized, to build a station promptly.

10. Accordingly, it is ordered, That effective December 20, 1982, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following communities:

City	Channel No.
Clarion, Pa.	224A
Emporium, Pa.	257A
Mercer, Pa.	244A

11. It is further ordered, That this proceeding is terminated.

12. It is further ordered, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this *Order* to Emporium Broadcasting Company, 145 E. Fourth Street, Emporium, Pennsylvania 15834.

13. For further information concerning the above, contact Philip S. Cross, Broadcast Bureau, (202) 632–5414.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–29582 Filed 10–27–82; 8:45 am]

BILLING CODE 6712–01–M

[6] Station WWIZ operates on Channel 280A assigned to Sharon, Pennsylvania, but used at Mercer pursuant to § 73.203(b) of the Commission's Rules.

47 CFR Part 73

[BC Docket No. 82–355; RM–4092]

Radio Broadcast Services, TV Broadcast Station in Farwell, TX; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF television Channel 18 to Farwell, Texas, as its first channel, in response to a petition filed by Best Broadcasting Company, Inc.

DATE: Effective December 20, 1982.

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

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632–5414.

SUPPLEMENTARY INFORMATION: .

List of Subjects in 47 CFR Part 73

Television broadcasting.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Farwell, Texas); BC Docket No. 82-355, RM–4092.

Report and Order—Proceeding Terminated

Adopted: October 14, 1982.

Released: October 21, 1982.

1. The Commission has before it for consideration a notice of proposed rule making, 47 FR 29859, published July 9, 1982, in response to a petition filed by Best Broadcasting Company, Inc.[1] ("petitioner"), proposing the assignment of UHF TV Channel 18 to Farwell, Texas, as that community's first television assignment. Supporting comments were filed by petitioner in which it reaffirmed its intention to file for the channel, if assigned. No oppositions to the proposal were received.

2. Farwell (pop. 1,354),[2] the seat of Parmer County (pop. 11,038), is located approximately 88 miles southwest of Amarillo. Farwell has no local television service.

3. In support of its proposal, petitioner submitted information with respect to Farwell which is persuasive as to its need for a first television channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 18 to Farwell, Texas. An interest has been shown for its use, and such an assignment would provide the community with a station which could render a first local television broadcast service.

5. The transmitter site is restricted to 1.5 miles north of the city to avoid short spacing to Channel 18 in Midland, Texas.

6. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commisson's Rules.

7. Accordingly, it is ordered, That effective December 20, 1982, § 73.606(b) of the Commission's Rules, the TV Table of Assignments, is amended with regard to the following community:

City	Channel No.
Farwell, Texas	18+

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact Philip S. Cross, Broadcast Bureau, (202) 632–5414.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–29579 Filed 10–27–82; 8:45 am]

BILLING CODE 7212–01–M

[1] Petitioner is the licensee of AM Station KZOL, and an applicant for FM Channel 222 (BPH 811016AQ) in Farwell. Petitioner states that if it is the ultimate permittee of television Channel 18, it will sell its conflicting broadcast interests or seek a waiver of § 73.636 in order to comply with the Commission's multiple ownership rules.

[2] Population figures are derived from the 1980 U.S. Census, Advance Reports.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 392, 393 and 397

[BMCS Amdt. No. 81-5]

Federal Motor Carrier Safety Regulations; Miscellaneous Amendments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is amending the Federal Motor Carrier Safety Regulations (FMCSR) to (1) eliminate unnecessary equipment costs by rescinding the requirement that commercial motor vehicles carry tire chains, (2) clarify the intent of certain requirements concerning lights, intoxicating liquor and emergency signals, (3) update obsolete references and addresses in those requirements relating to brake tubing and hoses, railroad grade crossing exemption permits, mobile structure trailers, and chain specifications for tie down assemblies, (4) eliminate the reporting requirement for temporary seats in buses, and (5) include State abbreviation in the marking requirements for motor vehicles transporting hazardous materials operated by private carriers.

EFFECTIVE DATE: November 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426-9767; or Mr. Thomas P. Holian, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA is making a number of revisions to the FMCSR. The amendments replace outdated references and addresses, clarify the intent of certain terms or requirements concerning lights, emergency signals and the term "intoxicating liquor." The amendment also eliminates (1) the requirement that commercial motor vehicles carry tire chains and (2) the reporting requirement for temporary seats in buses.

1. Section 392.5, Intoxicating liquor, is amended to clarify the meaning of the term "intoxicating liquor" by changing the word "liquor" to "beverage". This change is to make it clear that beer and wine are included in the prohibition. The intent was set forth in the Federal Motor Carrier Safety Regulations "Interpretations", published in the **Federal Register**, November 23, 1977 (42 FR 60078). It is stated therein that this section specifically prohibits a driver from consuming an alcoholic beverage, regardless of alcohol content, for a period of 4 hours before reporting for duty.

2. Section 392.10, Railroad grade crossings; stopping required, is being revised by changing the obsolete reference for special permits in accordance with the provisions of § 170.13 of this title to the current reference for exemptions in accordance with the provisions of Subpart B of Part 107 (49 CFR Part 107) of this title.

3. Section 392.22, Emergency signals: Stopped vehicles, is being amended by revising paragraph (b)(1)(iii) to make it clear that the warning device referred to therein is to be placed in the opposite direction from the one required in paragraph (ii).

4. Part 393, Parts and Accessories Necessary For Safe Operations, is amended by adding a new § 393.9 Lamps operable, to make it clear that all required lamps must be operable at all times.

5. Section 393.17, Lamps and reflectors—combinations in driveaway-towaway operation, is amended by eliminating outdated references in paragraph (c) previously deleted from §§ 571.3 and 571.108 of this title. In addition, the term "mobile structure trailer" is added in lieu of the deleted reference.

6. Section 393.45, Brake tubing and hose, adequacy, is amended by deleting the word "nylon" and inserting the word "nonmetallic." In addition, brake tubing and brake hose are defined.

7. Section 393.91, Buses, aisle seats prohibited, is being amended to eliminate the reporting requirement for the use of temporary seats in buses. There have been no reports filed in recent years and we have no knowledge of any problems in this area.

8. Section 393.95 Emergency equipment on all power units, is being amended by eliminating paragraph (d) Tire chains. A joint petition filed by the National Tank Truck Carriers, Inc., and the Common Carrier Conference, Irregular Route, and a petition filed by the American Trucking Associations, Inc. requested elimination of the requirement that tire chains be carried on power units during the time when likely to encounter conditions requiring them. The petitioners pointed out that most States have their own rules for tire chains which are tailored to their geography and climate. The petitioners further contend that many of their members comply with the current rule by carrying tire chains from the beginning to the end of the winter season whether or not the chains are actually needed. Both petitioners advise that tire chains cost approximately $150 for a single set and approximately $270 for a dual set. The cost, they contend, is substantial in maintaining replacement sets, keeping track of the chains and providing the necessary storage space when the chains are not required during good weather.

The petitions have merit. BMCS data contains no history of accidents resulting from nonuse of tire chains. In view of the foregoing, the rule requiring tire chains to be carried on power units is being rescinded.

9. Section 393.102, Securement systems, is being revised to update the chain specifications reference and the footnote is revised to reflect a change of address of the National Association of Chain Manufacturers.

10. Section 397.21, Marking of vehicles operated by private carriers, is being amended by revising paragraph (b)(2) to indicate the State in which the city or community is located.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. Since the changes being adopted in this document are primarily nonsubstantive in nature or eliminate unnecessary requirements, the FHWA finds good cause to make this amendment final without prior notice and opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act. Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. Accordingly, the amendments are effective upon issuance.

It is anticipated that the economic impact of this rulemaking action will be a minimal cost savings to the motor carrier industry. With respect to item 10 (marking of vehicles), information available to BMCS indicates that there will be no increased costs due to the fact that carriers already display State as well as city markings. Accordingly, a full regulatory evaluation is not required.

For the foregoing reasons, under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

PART 392—DRIVING OF MOTOR VEHICLES

1. Section 392.5 is revised to read as follows:

§ 392.5 Intoxicating beverage.

(a) No person shall—

(1) Consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within 4 hours before going on duty or operating, or having physical control of, a motor vehicle; or

(2) Consume an intoxicating beverage regardless of its alcoholic content, or be under the influence of an intoxicating beverage, while on duty, or operating, or in physical control of, a motor vehicle; or

(3) Be on duty or operate a motor vehicle while the driver possesses an intoxicating beverage regardless of its alcoholic content. However, this paragraph does not apply to possession of an intoxicating beverage which is manifested and transported as part of a shipment.

(b) No motor carrier shall require or permit a driver to—

(1) Violate any provision of paragraph (a) of this section; or

(2) Be on duty or operate a motor vehicle if, by the driver's general appearance or conduct or by other substantiating evidence, the driver appears to have consumed an intoxicating beverage within the preceding 4 hours.

2. Section 392.10 is amended by revising paragraph (a)(6) to read as follows:

§ 392.10 Railroad grade crossings; stopping required.

(a) * * *

(6) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under exemption in accordance with the provisions of Subpart B of Part 107 of this title.

* * * * *

3. Section 392.22 is amended by revising paragraph (b)(1)(iii) to read as follows:

§ 392.22 Emergency signals: Stopped vehicles.

* * * * *

(b) * * *

(1) * * *

(iii) One at a distance of approximately 100 feet from the stopped vehicle in the opposite direction from those placed in accordance with paragraphs (i)(ii) of this section, in the center of the traffic lane or shoulder occupied by the vehicle.

* * * * *

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

4. Part 393 is amended by adding a new § 393.9 to Subpart B to read as follows:

Subpart B—Lighting Devices, Reflectors, and Electrical Equipment

§ 393.9 Lamps operable.

All lamps required by this subpart shall be capable of being operated at all times.

5. Section 393.17 is amended by revising paragraph (c) to read as follows:

§ 393.17 Lamps and reflectors—combinations in driveaway-towaway operation.

* * * * *

(c) If the towed vehicle in a combination is a mobile structure trailer, it must be equipped in accordance with the following lighting devices. For the purposes of this part, "mobile structure trailer" means a trailer that has a roof and walls, is at least 10 feet wide, and can be used off road for dwelling or commercial purposes.

* * * * *

6. Section 393.45 is amended by revising paragraphs (b)(1)(i) and (c) introductory text and (1) and adding a new paragraph (d) to read as follows:

§ 393.45 Brake tubing and hose, adequacy.

* * * * *

(b) *Special requirements for brake hose other than nonmetallic tubing.* (1)

* * *

(i) Hydraulic brake hose: Society of Automotive Engineers (SAE) J1401a, January 1978.

* * * * *

(c) *Nonmetallic brake tubing.* Coiled nonmetallic brake tubing may be used for connections between towed and towing vehicles or between the frame of a towed vehicle and the unsprung subframe of an adjustable axle of that vehicle if—

(1) The tubing conforms to the requirements for Type B nonmetallic tubing set forth in SAE Standard J844d, "Nonmetallic Air Brake System Tubing," July 1976;

* * * * *

(d) *Brake tubing and brake hose-definition.* As used in this section, "brake tubing" and "brake hose" are conduits or lines used in a brake system to transmit or contain the medium (fluid, air, or vacuum) used to apply force to a motor vehicle's brakes. Brake hose is flexible compared to brake tubing except for coiled nonmetallic brake tubing set forth in paragraph (c) of this section. Brake hose is intended for use in the brake system when movement in the line is anticipated. Brake tubing is intended for use in the brake system when movement in the line is not anticipated.

7. Section 393.91 is revised to read as follows:

§ 393.91 Buses, aisle seats prohibited.

No bus, except buses having a seating capacity of eight or less persons shall be equipped with aisle seats unless such seats are so designed and installed as to automatically fold and leave a clear aisle when they are unoccupied. No bus shall be operated if any seat therein is not securely fastened to the vehicle; *Provided, however,* that this section shall not apply with respect to any bus while engaged exclusively in the transportation of agricultural workers in charter transportation if such bus carries, not to exceed eight passengers, on temporary folding seats located in the center aisle of the bus.

§ 393.95 [Amended]

8. Section 393.95 is amended by removing and reserving paragraph (d) *Tire Chains.*

9. Section 393.102 is amended by revising the second sentence of paragraph (b) of this section and footnote number 1 to this paragraph to read as follows:

§ 393.102 Securement systems.

* * * * *

(b) * * * Chain used as a component of a tie down assembly must conform to the requirements of the November 1975 edition of the National Association of Chain Manufacturer's Welded and Weldless Chain Specifications[1] applicable to all type of chain. * * *

* * * * *

10. Section 397.21 is amended by revising paragraph (b)(2) to read as follows:

§ 397.21 Marking of vehicles operated by private carriers.

* * * * *

(b) * * *

(2) The city or community and State abbreviation, in which the carrier maintains its principal office or in which the vehicle is customarily based.

(49 U.S.C. 304, 1655; 49 CFR 1.48(b) and 301.60)

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[1] Copies of these specifications may be secured by writing to the National Association of Chain Manufacturers, 500 North Michigan Avenue, Chicago, Illinois 60611.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety.)

List of Subjects

49 CFR Part 392

Motor carriers, Driving practices.

49 CFR Part 393

Motor carriers, Motor vehicle equipment, Motor vehicle safety.

49 CFR Part 397

Hazardous materials transportation, Motor carriers.

Issued on: October 20, 1982.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 82-29337 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-18; Notice 2]

Federal Motor Vehicle Safety Standards; Brake Hoses

AGENCY: National Highway Traffic Safety Administration (NHTSA), Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to amend Safety Standard No. 106, *Brake Hoses*, to make a change in the test procedures relating to the brake hose "whip test". Specifically, the list of items to be removed from the brake hose assembly prior to conducting the "whip test" is expanded to include mounting brackets. The amendment is responsive to a petition for rulemaking submitted by General Motors Corporation, and makes the test procedures specified in the standard consistent with the test procedures used by the agency's Office of Enforcement.

DATES: Any petitions for reconsideration of this rule should be received on or before November 29, 1982. This amendment is effective October 28, 1982.

ADDRESS: Any petition for reconsideration should refer to the docket number and notice number of this notice and be submitted to NHTSA Docket Section, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are from 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Vernon Bloom, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2153).

SUPPLEMENTARY INFORMATION: Safety Standard No. 106, *Brake Hoses* (49 CFR 571.106), specifies a "whip test" for hose assemblies to measure fatigue resistance. On March 29, 1982, the agency issued a notice of proposed rulemaking to amend the procedure for that test, in response to a petition for rulemaking submitted by General Motors Corporation (47 FR 13176). General Motors asked for certain changes because of possible confusion between the NHTSA's Laboratory Procedures and the procedures stated in the standard with respect to preparing brake hose assemblies for the "whip test".

The Laboratory Procedure for conducting the "whip test" published by the NHTSA Office of Standards Enforcement in 1975 ("Laboratory Procedure for Brake Hose Testing" TP-106-03) specifies the following procedure in preparation of the Whip Fatigue Test: "All external appendages such as chafing collars, mounting brackets, date bands and spring guards shall be removed from the brake hose assembly prior to testing on the whip machine." By contrast, paragraph S6.3.2(a) of Safety Standard No. 106 specifies the following preparation: "Remove hose armor and date band, if any." As noted in the March proposal, General Motors was concerned that this inconsistency might create confusion, and requested that the standard be amended to include all the items that are specified for removal in the Laboratory Procedure. The notice of proposed rulemaking sought to remove the inconsistency.

There were five comments to the proposal from the following vehicle manufacturers: Chrysler, Ford, American Motors, Volkswagen and General Motors. All supported the proposed change and stated that it should have absolutely no adverse effect on the integrity of the whip fatigue test.

The agency has determined that this minor technical change should be adopted as proposed. The agency has always intended for all external appendages to be removed prior to conducting the "whip test". As noted in the proposal, since it is only the brake hose itself that is being tested for fatigue resistance, it is not necessary to have readily removable external components present during the test. Further, these external components could unnecessarily complicate the test procedure or cause problems by becoming caught in the test apparatus. The agency does not believe that removing these components will in any way degrade the safety performance that is garnered from the "whip test". Therefore, the standard is being amended as proposed.

The agency has determined that this amendment does not qualify as a major regulation under Executive Order 12291 or as a significant regulation under the Department's Regulatory Policies and Procedures because it is a minor technical change. The effects of this amendment are so insignificant that a full regulatory evaluation is not required. There will not be any effect on the cost of brake hoses.

The agency has also evaluated the amendment under the precepts of the Regulatory Flexibility Act and the Administrator hereby certifies that the modification will not have any significant economic impact on small entities, including small businesses, small organizations or small governmental units. Since this is a minor technical change affecting only a minor test procedure, it will have no impact on small entities whatsoever.

The agency has evaluated the amendment under the National Environmental Policy Act and determined that the modification will not have a significant effect on the quality of the human environment. In fact, it will have absolutely no effect on the environment.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In light of the above considerations, paragraph S6.3.2(a) of Safety Standard No. 106, *Brake Hoses* (49 CFR 571.106) is amended to read as follows:

§ 571.106 Standard No. 106; Brake hoses.

* * * * *

S 6.3.2 Preparation.

(a) Remove all external appendages including, but not limited to, hose armor, chafing collars, mounting brackets, date bands and spring guards.

* * * * *

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on October 5, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82-29518 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 571

[Docket No. 74-14; Notice 28]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to amend the fuel loading test conditions of Safety Standard No. 208, *Occupant Crash Protection.* The amendment is in response to a petition for rulemaking submitted by Mercedes-Benz of North America. Standard No. 208 currently specifies that vehicles are to be crash tested with their maximum capacity of fuel. Several other NHTSA safety standards only require fuel tanks to be filled from 90 to 95 percent of capacity. This amendment makes the fuel loading conditions of Standard No. 208 consistent with these other standards. This change will enable manufacturers to simultaneously determine compliance with several standards during the same crash tests, thereby reducing compliance test costs. In connection with this change, this notice also adds a definition for "fuel tank capacity" to the agency's general definition list in 49 CFR 571.3.

DATES: This amendment is effective October 28, 1982. Any petitions for reconsideration of this rule should be received on or before November 29, 1982.

ADDRESS: Any petitions for reconsideration should refer to the docket number and notice number of this notice and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are from 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Nelson, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: The fuel tank loading condition in Safety Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208) differs from that used in several other NHTSA safety standards. Paragraph S8.1.1(a) of Standard No. 208 currently specifies that a passenger car is to be loaded "to its unloaded vehicle weight plus its rated cargo and luggage capacity weight" prior to conducting a barrier crash test. The term "unloaded vehicle weight" is defined in 49 CFR 571.3 as "the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle * * *." Therefore, under the current test conditions of the standard, fuel tanks are to be filled to 100 percent capacity. The fuel loading conditions of Safety Standards Nos. 301, *Fuel System Integrity*, 212, *Windshield Mounting*, and 219, *Windshield Zone Intrusion*, specify that fuel tanks are only loaded from 90 to 95 percent of capacity.

On January 28, 1982, the agency proposed to amend the loading conditions of Standard No. 208 to make them consistent with those of Standards Nos. 301, 212 and 219 (47 FR 4098). The proposed amendment was issued in response to a petition for rulemaking submitted by Mercedes Benz of North America, which asked that the fuel loading conditions of Standard No. 208 be amended to be consistent with Safety Standard No. 301. Mercedes pointed out that such an amendment would serve to harmonize the two standards and would eliminate the current need for running separate barrier crash tests for the two standards. The company stated that tests being conducted to evaluate occupant crash protection systems yield data which cannot be used to evaluate the integrity of fuel systems because of the variation in fuel tank loading conditions.

Several parties commented on the proposed change. All of them were vehicle manufacturers which supported lowering the fuel loading conditions of Standard No. 208. All the manufacturers noted that the proposed change would standardize test conditions for the standards employing dynamic crash testing, and would thereby reduce costs. After reviewing these comments, the agency has determined that the standard should be amended as proposed.

As noted in the proposal, the agency believes that filling fuel tanks from 90 to 95 percent capacity for Standard 208 testing will be sufficiently representative of the maximum fuel loading that will occur on the highway. Vehicles are seldom driven with their fuel tanks filled to 100 percent capacity. Moreover, the difference in overall vehicle weight because of the 5 to 10 percent less fuel with this amendment should have no significant effect on the test results of Standard No. 208. Therefore, the change does not significantly reduce the stringency of the standard and realistically maintains the intended purpose of the loading conditions.

The agency also believes it is important to facilitate simultaneous testing for various safety standards, where possible, in order to minimize testing costs. Since Standards Nos. 301, 212, and 219 only require fuel tanks to be loaded from 90 to 95 percent capacity, the agency has determined that Standard No. 208 should be amended to be consistent. In this case, testing costs can be reduced without jeopardizing safety whatsoever.

In its comment, General Motors Corporation suggested that the amendment also include a definition of "fuel tank capacity", so that there will be no questions concerning the proper procedure for filling fuel tanks prior to testing. General Motors' suggestion was prompted by a discussion in the preamble of the proposal concerning what constitutes the "capacity" of a fuel tank. That discussion was included because the agency had previously received several questions asking whether the vapor volume of a fuel tank is included in determining capacity. The discussion clarified the agency's position that "capacity" does not include vapor volume.

The agency believes that General Motors' suggestion has merit. Therefore, a definition for "fuel tank capacity" is added by this amendment to 49 CFR 571.3, the agency's general definition section. The term is defined as the volume of fuel that can be pumped into a previously unfilled tank through the filler pipe with the vehicle on a level surface, but excluding the vapor volume of the tank and the volume of the tank filler pipe. The definition is being added to 49 CFR 571.3, rather than to Standard No. 208, so that it is clear the same term is applicable to all safety standards which specify fuel loading in terms of tank capacity (i.e., Standards Nos. 301, 212, and 219 as well as Standard No. 208).

The agency has determined that this definition can be added to 49 CFR 571.3 without notice and opportunity to comment since it is merely an interpretive amendment and is therefore within the exceptions to rulemaking procedures specified in the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A)). In fact, the addition of this definition is merely a codification of previous NHTSA interpretations.

The agency has determined that this amendment does not qualify as a major regulation under Executive Order 12291, nor as a significant regulation under the Department's guidelines for issuing regulations. The amended test condition will provide a minor benefit to those manufacturers which choose to conduct simultaneous crash tests for several safety standards by reducing costs. Further, the agency has determined that the impacts are so minimal as not to

warrant preparation of a full regulatory evaluation.

The agency has considered the amendment under the National Environmental Policy Act and determined that the change will not have a significant impact on the quality of the human environment.

Finally, the agency has considered the amendment under the precepts of the Regulatory Flexibility Act and the Administrator hereby certifies that the modified test condition will not have a significant economic impact on a substantial number of small entities. Only vehicle manufacturers will be affected by the amendment. Since the amendment will only reduce testing costs slightly in relation to overall manufacturer costs, the modification will not significantly affect any vehicle manufacturer that might qualify as a small business under the Act. The amendment would have no significant impact on small organizations or small governmental units. Although these units are fleet purchasers of vehicles, the amendment is so insignificant that it will have no effect on the retail price of cars.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, 49 CFR 571.208 and 49 CFR 571.3 are amended as set forth below.

§ 571.208 [Amended]

1. The first sentence of S 8.1.1 is amended to read:

* * * * *

"Except as provided in paragraph (c) of this section, the vehicle, including test devices and instrumentation is loaded as follows:"

* * * * *

2. A new paragraph S 8.1.1(c) is added to read as follows:

* * * * *

"(c) The fuel tank is filled to any level from 90 to 95 percent of capacity."

* * * * *

§ 571.3 [Amended]

A new definition is added at the end of § 571.3 to read as follows:

* * * * *

"*Vehicle fuel tank capacity*" means the tank's unusable capacity (i.e., the volume of fuel left at the bottom of the tank when the vehicle's fuel pump can no longer draw fuel from the tank) plus its usable capacity (i.e., the volume of fuel that can be pumped into the tank through the filler pipe with the vehicle on a level surface and with the unusable capacity already in the tank). The term does not include the vapor volume of the tank (i.e., the space above the fuel tank filler neck) nor the volume of the fuel tank filler neck.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on October 5, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82–29519 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–59–M

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49 CFR Part 571

[Docket No. 81–10; Notice 2]

Federal Motor Vehicle Safety Standards; Impact Protection for the Driver From the Steering Control Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: In response to a petition for rulemaking filed by General Motors (GM), the National Highway Traffic Safety Administration is amending Standard No. 203, *Impact Protection for the Driver From the Steering Control System,* to modify the current limitation of 2,500 pounds on the amount of force imposed on the steering column during the compliance test which simulates a crash. GM sought the change because a mechanical interference between several parts in its tilting and telescoping steering wheel cause the force measured in the Standard No. 203 impact test to momentarily increase above 2,500 pounds. The standard will now allow the force measured on the steering column to exceed 2,500 pounds for a cumulative duration of not more than 3 milliseconds. The agency has concluded that this amendment will not pose an unreasonable risk to safety.

EFFECTIVE DATE: This amendment is effective December 2, 1982. Petitions for reconsideration must be received no later than November 29, 1982.

ADDRESSES: Petitions for reconsideration should refer to the docket number and be sent to: Docket Section, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours are 8 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. William Smith, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–2992).

SUPPLEMENTARY INFORMATION: In response to a petition for rulemaking from General Motors (GM), NHTSA issued a notice in October 1981 (46 FR 48260) that proposed an amendment to Standard No. 203, *Impact Protection for the Driver From the Steering Control System* (49 CFR 571.203). The notice proposed modifying the current 2,500 pound limitation on the amount of force imposed on the steering column. The force is measured during an impact test in which a hard rubber block simulating the human torso strikes the steering column at 15 miles per hour.

GM sought the change because a mechanical interference between several parts in its tilting and telescoping steering wheel cause the force measured in the Standard No. 203 impact test to momentarily increase above 2,500 pounds. The mechanical interference only occurs when the steering wheel is fully telescoped and tilted down 15 degrees. GM requested and the agency proposed to prohibit forces above 2,500 pounds only if they cumulatively exceeded 3 milliseconds in duration.

To support its request, GM presented data from three sled tests simulating 30 mile-per-hour frontal barrier crashes in which an unrestrained Part 572 anthropomorphic test dummy struck the steering column. The GM tests showed that the momentary increase in force levels measured on the steering column do not cause a corresponding increase in the resultant acceleration in the test dummy's chest. (Resultant acceleration is the criterion used in Standard No. 208 *Occupant Crash Protection,* as a means of determining whether forces are potentially harmful.)

This notice amends Standard No. 203 to adopt the proposed change. Significant comments submitted to the docket are addressed below.

Five commenters, American Motors, Chrysler, Ford, General Motors, and Volkswagen, supported adoption of the proposed amendment. The Insurance Institute for Highway Safety (IIHS) and the Center for Auto Safety (CFAS) filed comments opposing the amendment.

IIHS argued that the GM test data considered by the agency do not demonstrate that the short duration force levels permitted by the amendment will not pose an unreasonable risk of injury to the driver. IIHS objected that GM had not discussed the relationship between the 30 mile-per-hour impact tests the automaker conducted with instrumented

Part 572 test dummies and the 15 mile-per-hour impact tests GM conducted with the body block in accordance with the requirements of Standard No. 203. IIHS said that it is difficult to make a straightforward comparison between the two tests because one involves use of a full-size test dummy representing a 50th percentile male while the other uses a simple hard rubber block representing only the upper torso and head of a human. In addition, IIHS stated that the force/deflection characteristics of the test dummy and the torso block are significantly different.

The agency believes that of the two tests, the 30 mile-per-hour sled test conducted by GM is more representative of an actual vehicle crash. In GM's sled test, the unrestrained test dummy was placed on a vehicle seat behind the steering column as in an actual vehicle. In the simplified 15 mile-per-hour test of Standard No. 203, the torso block is accelerated toward the column, usually by a pendulum, and then released to strike the column.

Equally important, the anthropomorphic test dummy specified in Part 572 of the agency's regulations is more representative of a human than the torso block used in Standard No. 203. The simplified torso block was developed before human-like test dummies were available. The area representing the chest of the torso block is significantly harder and stiffer than a human chest. As a result of that hardness and stiffness, an impact with that surface is more likely to produce the sudden, short increases in acceleration than is a more flexible surface designed to be similar to the human chest. The chest of the Part 572 anthropomorphic test dummy is based on testing done with cadavers and human volunteers and thus is more representative of the actual human chest. Thus, the agency believes that the GM testing is a better measure of the forces that would be imposed on a driver's chest in an actual crash. As explained more fully below, the agency is considering changes to Standard No. 203 that would improve its test procedures and requirements.

IIHS's second objection was that GM had not demonstrated that the Part 572 dummy and the injury criteria used in GM's testing are suitable for assessing whether the forces generated in the testing are likely to be injurious. IIHS said that the Part 572 dummy was designed specifically with the air bag in mind, which distributes forces over a large area to reduce injuries, and was not designed to be sensitive to the effects of large concentrated loads. IIHS and CFAS both emphasized that concentrated forces are known injury producers.

The Part 572 test dummy was designed to be used in the automatic restraint system testing of Standard No. 208, *Occupant Crash Protection.* During and after its development, the test dummy has been used extensively to measure loads generated by automatic and conventional belt systems as well as air bag systems. The injury criterion used in the GM testing is the same as the chest injury criterion adopted in Standard No. 208. At present, the Part 572 test dummy and the Standard No. 208 chest injury criterion are the only generally recognized and accepted measures of potential injury to the chest. The data from the GM testing, using available test dummies, show that the resultant acceleration measured in the chest were within the limits set by the agency in Standard No. 208. Thus, the agency concludes that based on available data, the short duration forces experienced in the Standard No. 203 impact test do not pose an unreasonable risk of injury.

Future Rulemaking

Several commenters requested the agency to make several technical and other amendments to the standard. GM requested the agency to amend the standard to adopt the updated version of the Society of Automotive Engineers recommended practice currently incorporated in Standard No. 203. Volkswagen recommended that the agency consider, for reasons of international harmonization, modifying the standard to adopt the alternative head impact test procedure contained in the European regulation on steering columns, Economic Commission for Europe Regulation 12.

IIHS and CFAS both criticized the agency for not upgrading the performance requirements of the standard and urged the agency to do so quickly. IIHS devoted a substantial portion of its submission to changes in the test procedures and requirements for the standard. Ford said that, before making any changes to the standard, the agency should determine whether any changes would compromise the field performance of current steering systems.

As mentioned in the notice of proposed rulemaking for this rule, the agency actively is considering possible improvements to Standard No. 203. The agency agrees, as Ford pointed out, that steering columns meeting Standard No. 203 have been proven to be injury reducers. However, the agency's technical report (Publication No. DOT HS 805–705) evaluating Standard No. 203 and Standard No. 204, *Steering Column Rearward Displacement,* also suggested areas for improving the standards. The agency will consider CFAS's, GM's, IIHS's, and Volkswagen's suggested changes during the process of evaluating possible changes to the standard.

At present, a number of research projects are being conducted for the agency on energy-absorbing steering columns. For example, Calspan is conducting a special study (contract DTNH22–80–C–07450) of data gathered during the National Crash Severity Study. The study is identifying conditions leading to both more and less successful operations of energy-absorbing steering columns, determining the relationship of energy-absorbing column compression and column intrusion to injury severity and comparing performance between specific energy-absorbing column designs. The agency is also working with Minicars, Inc., to conduct static and dynamic testing of steering columns to rate their protective capability. Based on the Calspan, Minicar and other research, the agency will make a determination of what, if any, changes to propose to the standard.

Economic Effects

The agency has assessed the economic and other effects of this final rule and determined that the rule is not major within the meaning of Executive Order 12291. In addition, the rule is not significant within the meaning of the Department of Transportation's regulatory policies and procedures. Based on that assessment, the agency has concluded that the economic and other consequences of this final rule are so minimal that a full regulatory evaluation is not required by DOT's policies and procedures. The impact is minimal because the final rule relieves a restriction contained in the current standard and thus will not require manufacturers to make any design changes to their vehicles. Any cost savings should be very small.

The agency has also considered the effect of this final rule on small businesses, small governmental jurisdictions and small organizations as required by the Regulatory Flexibility Act. The Administrator certifies that the final rule will not have a significant economic effect on a substantial number of small entities and thus a regulatory flexibility analysis is not necessary. The primary effect of this final rule is to

relieve a restriction for motor vehicle manufacturers, virtually none of which is a small business entity for the purposes of the Regulatory Flexibility Act. In view of the small potential cost savings, the final rule will have no effect on small organizations and small government jurisdictions which purchase new vehicles.

In addition, the agency has analyzed this proposal for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant effect on the human environment.

The agency has determined, for good cause shown, that an effective date of 35 days is in the public interest, since the amendment adopted in this notice relieves a restriction in the current standard.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, the following amendment is made to § 571.203, *Impact Protection for the Driver from the Steering Control System,* of Title 49 of the Code of Federal Regulations:

§ 571.203 [Amended]

1. Section S 5.1 is revised to read as follows:

* * * * *

When the steering control system is impacted in accordance with Society of Automotive Engineers Recommended Practice J944, "Steering Wheel Assembly Laboratory Test Procedure," December 1965, or an approved equivalent, at a relative velocity of 15 miles per hour, the impact force developed on the chest of the body block transmitted to the steering control system shall not exceed 2,500 pounds, except for intervals whose cumulative duration is not more than 3 milliseconds.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on October 5, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82–29547 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1011

Delegations to Individual Commissioners; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Reinstatement of final rules; corrections.

SUMMARY: In Ex Parte No. 55 (Sub-No. 39) published at 45 FR 5739, January 24, 1980, the Commission revised certain references to Suspension Board matters and procedures relating to that Board. Those revisions inadvertently revised 49 CFR 1011.5(b)(2) and removed the delegation to the Vice-Chairman of the Commission to handle matters involving admissions, disbarment or discipline of practitioners before the Commission. Those provisions were reinstated by a rule published at 47 FR 9466, March 5, 1982, but the March 5 rule in turn inadvertently removed the Suspension Board material. This rule corrects the March 5, 1982 document.

EFFECTIVE DATE: October 26, 1982.

FOR FURTHER INFORMATION CONTACT: Kathleen King, (202) 275–0956.

SUPPLEMENTARY INFORMATION: This rule corrects inadvertent errors made by two earlier rules which amended 49 CFR Part 1011. In the first rule, paragraph (b)(2) was revised, mistakenly removing the delegation of authority to the Vice Chairman in practitioner matters. The second rule reinstated that authority, but removed the authority delegation relating to calamitous visitation. To correct this problem, the March 5, rule, FR Doc. 82–6043, is corrected as follows:

1. The reinstated text of § 1011.5(b)(2) remains the same.

2. A new § 1011.5(b)(3) containing the Suspension Board delegation is added.

3. As corrected § 1011.5(b) as published on March 5, 1982, 47 FR 9466, reads as follows:

§ 1011.5 Delegation to individual Commissioners.

* * * * *

(b) * * *

(2) Matters involving the admission, disbarment or discipline of practitioners before the Commission under rules 7 through 11 of the General Rules of Practice (49 CFR 1100.7–1100.11).

(3) Reduced rates authorization in cases of calamitous visitation under 49 U.S.C. 10721 and, in related matters, relief from the provisions of 49 U.S.C. 10730 and the long and short haul restrictions of 49 U.S.C. 10726.

* * * * *

This action will not significantly affect either the quality of the human environment or conservation of energy resources and will not affect small businesses.

(49 U.S.C. 10321 and 5 U.S.C. 553)

Decided: October 14, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–29326 Filed 10–27–82; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1137

[Ex Parte No. MC—142 (Sub-2)]

Freight Forwarder Restrictions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of judicial stay of final rules.

SUMMARY: In this proceeding, the Commission made the motor carriers of property restriction removal rules applicable to freight forwarders. On October 8, 1982, the United States Court of Appeals for the Fifth Circuit entered a stay of the freight forwarder restriction removal rules pending judicial review of these rules in *Global Van Lines, Inc. et al.* v. *Interstate Commerce Commission and United States of America,* U.S.C.A., 5th Cir., No. 82–4284.

EFFECTIVE DATE: Effective October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Robin K. Williams, (202) 275–7697. Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: In this proceeding, the Commission made the motor carriers of property restriction removal rules, 49 CFR Part 1137, applicable to freight forwarders (47 FR 31281, July 19, 1982). The new rules were made effective immediately. Subsequently, several parties requested a stay of the effect of the decision served July 19, 1982, pending judicial review. The Commission denied the petition for stay pending judicial review but did reopen the proceeding to extend the effective date of the applicability of the restriction removal rules to freight forwarders to October 8, 1982 (47 FR 39687, September 9, 1982).

Inasmuch as the freight forwarder restriction rules have been stayed by the court, the Restriction Removal Board will not accept freight forwarder restriction removal applications for publication in the **Federal Register.** Those applications filed prior to October

8, 1982, and awaiting publication and those which have been published and are now awaiting final processing and issuance of broadened permits, will be held in abeyance until the Fifth Circuit completes its review of the rules.

In the interim, freight forwarders are free to seek reformation of their permits using the conventional OP–1 procedures.

Decided: October 21, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–29611 Filed 10–27–82; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 230

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes; Cooperative Agreement Between NOAA and the Alaska Eskimo Whaling Commission

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Rule related notice.

SUMMARY: At its 32nd Annual Meeting held in Brighton, England, in July 1980, the International Whaling Commission (IWC) adopted an amendment to the Schedule of the International Convention for the Regulation of Whaling, 1946, which established a three-year quota for the taking of the Bering Sea stock of bowhead whales for calendar years 1981, 1982, and 1983 of 45 landed or 65 struck with a maximum of 17 landed in any one year. All amendments to the Schedule of the Convention adopted at the 32nd Annual Meeting, including the three-year quota, became effective on November 25, 1980 (45 FR 85031, December 24, 1980). On May 11, 1982 (47 FR 20137) the Cooperative Agreement between the National Oceanic and Atmospheric Administration (NOAA) and the Alaska Eskimo Whaling Commission (AEWC) that implements this three-year quota was published. This notice publishes an amendment to the Cooperative Agreement.

DATES: The Cooperative Agreement became effective on March 26, 1981 and was amended and extended on February 28, 1982 and was further amended in July 1982.

ADDRESSES: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Roe, Acting Director, Office of Marine Mammals and Endangered Species (F/MM), Washington, D.C. 20235, telephone (202) 634–7461.

SUPPLEMENTARY INFORMATION: Prior to 1977, the IWC Schedule exempted the native subsistence harvest of bowhead whales from its otherwise total prohibition of the hunting of bowhead whales. In 1977, the IWC removed that exemption and established annual quotas each year from 1977 to 1980. At the 32nd Annual Meeting of the IWC in July 1980, the IWC adopted a three-year quota for bowhead whales of 45 whales landed or 65 struck with a maximum of 17 landed in any one year.

The IWC Schedule including the bowhead whale catch limits is published in the **Federal Register** annually which makes it effective with respect to all U.S. citizens as required by the Whaling Convention Act of 1949.

NOAA entered into a two-year Cooperative Agreement in 1981 with the Alaska Eskimo Whaling Commission (AEWC) for cooperative bowhead whale management. This Agreement was amended on February 28, 1982 and published in the **Federal Register** on May 11, 1982 (47 FR 20137).

In this notice, we publish a further amendment to the Cooperative Agreement that was agreed to by NOAA and the AEWC in July, 1982. This amendment extends the Cooperative Agreement through December 31, 1987. It further provides that NOAA and the AEWC shall determine through annual negotiations the total number of whales that may be struck in each year from 1983 to 1987. If NOAA and the AEWC do not agree on a quota for a particular year, the quota from the previous year shall apply. The Agreement as further amended states that the United States Government agrees that civil assessments shall be the exclusive enforcement mechanism for violations by registered members of the AEWC of provisions of: (a) The Agreement as it may be amended from time to time, (b) the Marine Mammal Protection Act, the Whaling Convention Act, and the Endangered Species Act as these acts may relate to aboriginal whaling, (c) the International Convention for the Regulation of Whaling, 1946, and (d) regulations of the International Whaling Commission. The AEWC will initially make the assessment and transfer the assessment to NOAA. If NOAA does not agree with the assessment, it may seek review in an administrative trial-type hearing.

The 1982 amended Agreement is printed below.

List of Subjects in 50 CFR Part 230

Whales.

Dated: October 22, 1982.

William G. Gordon,

Assistant Administrator for Fisheries.

Amendment to the Cooperative Agreement Between the National Oceanic and Atmospheric Administration and the Alaska Eskimo Whaling Commission

1. The PURPOSE section is amended to read as follows:

The purposes of this agreement are to protect the bowhead whale and the Eskimo culture, to promote scientific investigation of the bowhead whale, and to effectuate the other purposes of the Marine Mammal Protection Act, the Whaling Convention Act and the Endangered Species Act as these acts may relate to aboriginal subsistence whaling.

In order to achieve these purposes, this agreement provides for:

(a) cooperation between members of the Alaska Eskimo Whaling Commission (AEWC) and the National Oceanic and Atmospheric Administration (NOAA) in management of the bowhead whale hunt for 1981 through 1987; and

(b) an exclusive enforcement mechanism that shall apply during the term of this agreement to any violation by whaling captains (or their crews) who are registered members of the AEWC of any provisions of the Marine Mammal Protection Act, the Endangered Species Act, or the Whaling Convention Act as these acts may relate to aboriginal subsistence whaling, of the International Convention for the Regulation of Whaling, 1946, of regulations of the International Whaling Commission, or of any provisions of this agreement.

2. The responsibilities section is amended to read as follows:

NOAA has primary responsibility within the United States Government for management and enforcement of programs concerning the bowhead whale. The AEWC is an association governing Alaskan Eskimo whalers who hunt for bowhead whales. The AEWC adopted a Management Plan on March 4, 1981, to govern hunting for bowhead whales by Alaskan Eskimos. Under this cooperative agreement the AEWC will in cooperation with NOAA manage the 1981 through 1987 bowhead whale hunts. The authority and responsibilities of the AEWC are contained in and limited by this agreement and the Management Plan as amended from time to time to the extent the Management Plan is not inconsistent with this agreement. If the AEWC fails to carry out its enforcement responsibilities or meet the conditions of this agreement or of the Management Plan as amended from time to

time, NOAA may assert its federal management and enforcement authority and will regulate the bowhead whale hunt in a manner consistent with federal law, this agreement and the Management Plan to the extent necessary to carry out the responsibilities that are not being carried out. Such assertion of federal authority will be preceded by notice to AEWC of intent to regulate the bowhead whale hunt to the extent necessary to carry out those responsibilities and conditions, and will not be effected until the AEWC or its members have been given an opportunity to present their views on the need for such assertion in a public forum; provided, however, that in cases where irreparable harm to the bowhead whale resource might result, the assertion of federal authority may be effected immediately after notice, in which cases the public forum on the need for such assertion will be conducted as soon as practicable thereafter.

3. The inspection and reporting section is not amended.

It reads as follows:

NOAA personnel shall monitor the hunt and the AEWC shall assist such personnel with such monitoring. The AEWC will provide an oral report to NOAA daily regarding the number of strikes and landings. The AEWC will also inform all whaling captains who are engaged in whaling activities of the number of whales struck or landed at all times. The AEWC will also provide a report to NOAA within 30 days after the conclusion of the spring hunt and the fall hunt containing at least the following information:

(1) The number, dates, and locations of every strike or landing;

(2) The lengths, (as measured from the point of the upper jaw to the notch between the tail flukes), the extreme width of the flukes, and the sex of the bowhead whales landed;

(3) The length and sex of a fetus, if present, in a landed bowhead whale; and

(4) An explanation of circumstances associated with the striking of any bowhead whale not landed, and an estimate of whether a harpoon or bomb emplacement caused a wound which might be fatal to the animal (e.g., the harpoon entered a major organ of the body cavity and the bomb exploded).

NOAA will provide technical assistance in collection of the above information. The AEWC shall assist appropriate persons in collection of specimens from landed whales, including but not limited to ovaries, ear plugs, and baleen plates. Such specimens shall be available to appropriate government officials. NOAA personnel cooperating with AEWC will work closely with the AEWC Commissioner in each whaling village to facilitate the accurate monitoring of the hunt.

4. The management section is amended to read as follows:

(1) No more than a total of 19 whales shall be struck in 1982. The AEWC and NOAA shall determine the total number of whales that may be struck in each year from 1983 through 1987 through annual negotiations that shall be concluded by March 15 of the year for which the quota is applicable. If the AEWC and NOAA are unable in these annual negotiations to agree on quotas for a particular year, the quota from the previous year shall apply. The AEWC management plan will provide that whaling captains and crews will use their best efforts to land every whale that is struck, and strike whales that are under 12 meters (39 feet) and presumed to be sexually immature.

(2) The AEWC may determine the allocation of these permitted strikes among the whaling villages.

(3) Deleted (incorporated into enforcement section).

5. A new section is added to read as follows:

Enforcement

(1) The AEWC agrees that whaling captains will be subject to civil monetary assessments for whales struck over any strike limit and whales landed over any landing limit that is prescribed in this agreement and the Management Plan as they may be amended from time to time. The AEWC will collect the assessments from the whaling captains and deposit them with NOAA representatives. In the event of a dispute between NOAA and the AEWC over the number of whales landed or struck, or the amount of the assessment, or other factual matters, NOAA will consult with the AEWC about the matter. If the dispute cannot be resolved, it will be referred to a NOAA administrative law judge for determination under a trial-type administrative proceeding of factual findings and the amount of assessment. The procedures contained in 50 CFR 218.21–218.25 will control these proceedings. The decision of the administrative law judge may be appealed to the Administrator of NOAA. Whaling captains may also be liable for civil assessments for other violations of the management plan as determined by the AEWC or by an administrative law judge under the procedures described above.

(2) In consideration of the AEWC's agreement hereunder, the Government of the United States agrees that the enforcement provision described in paragraph (1) of this section shall be the exclusive enforcement mechanism that shall apply during the term of this agreement to any violation by whaling captains or their crews who are registered members of the AEWC of any provisions of the Marine Mammal Protection Act, the Endangered Species Act, or the Whaling Convention Act as these Acts may relate to aboriginal subsistence Whaling, of the International Convention for the Regulation of Whaling, 1946, of any regulations of the International Whaling Commission, or of any provisions of this agreement.

(3) The AEWC annually will furnish NOAA the names of all registered whaling captains.

6. The authorities section is amended to read as follows:

This cooperative agreement is concluded under the authorities governing management of living marine resources, including but not limited to the Marine Mammal Protection Act of 1972 and the Whaling Convention Act of 1949.

7. The duration section is amended to read as follows: This agreement is in effect from March 26, 1981 through December 31, 1987.

8. The consultation section is not amended. It reads as follows:

NOAA and the AEWC shall consult during the operation of this agreement concerning the matters addressed herein as well as all other matters related to bowhead whales which either party believes are suitable for such consultation. Specifically, NOAA shall consult with the AEWC on any action undertaken or any action proposed to be undertaken by any agency or department of the Federal Government that may affect the bowhead whale and shall use its best efforts to have such agency or department participate in such consultation with the AEWC.

9. A new section is added entitled Limitation of Use. It reads as follows:

Nothing in this Agreement shall be construed to support or contradict the position of either party regarding the jurisdiction of the International Convention for the Regulation of Whaling, 1946, or the Whaling Convention Act of 1949 with respect to aboriginal subsistence whaling by Alaskan Eskimos.

Roger Silook,

Chairman, Alaska Eskimo Whaling Commission;

Robert W. McVey,

NOAA Representative;

John V. Byrne,

Administrator, National Oceanic and Atmospheric Administration.

[FR Doc. 82-29741 Filed 10-27-82; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 611

[Docket No. 21021-215]

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; corrections.

SUMMARY: NOAA corrects the "date" line of a final rule removing the table of total allowable level of foreign fishing (TALFF) from the Code of Federal Regulations, to clarify the effective date. NOAA also corrects the sample Telex message included in the regulations

implementing the Pacific Coast groundfish fishery management plan.

FOR FURTHER INFORMATION CONTACT: Susan E. Jelley, 202–634–7432.

Dated: October 22, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

1. The "date" line for FR Doc. 82–27711 appearing on page 44264 in the issue of October 7, 1982, is corrected to read: "**EFFECTIVE DATE:** November 8, 1982."

§ 611.70 Pacific coast groundfish fishery [Corrected].

2. In FR Doc. 82–27291, the word "REOREP" in the first line of the sample TELEX report in 50 CFR 611.70(j)(7)(ii), appearing in the right-hand column on page 43973 in the issue of October 5, 1982, is corrected to read "RECREP".

(16 U.S.C. 1801 *et seq.*)

[FR Doc. 82–29740 Filed 10–27–82; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF EDUCATION

34 CFR Parts 674, 675, 676, and 690

Pell Grant Program—Family Contribution Schedule; National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs—Definition of "Independent Student"

AGENCY: Education Department.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations for the 1983–84 Pell Grant family contribution schedule based upon Pub. L. 97–301 enacted on October 13, 1982. These regulations are being issued in place of the final regulations that would have resulted from either of the alternative proposals published in the **Federal Register** as a Notice of Proposed Rulemaking on August 2, 1982.

Further, the Secretary revises the dates that appear in each of the definitions of the term "independent student" in the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Program regulations, 34 CFR 674.2, 675.2 and 676.2, respectively. The effective date as well as other dates referenced in each definition will apply to the 1983 academic year.

EFFECTIVE DATE: The amendments to the Pell Grant Program regulations (Part 690) are expected to take effect 15 days after publication in the **Federal Register.** Unless Congress takes certain adjournments, the date changes in the definition of an independent student in the campus-based program regulations (Parts 674, 675, and 676) are expected to take effect 45 days after publication. If you want to know the effective dates of these regulations call or write the contact person listed below. These regulations apply only to awards made for the period of July 1, 1983, through June 30, 1984.

FOR FURTHER INFORMATION CONTACT: Brian Kerrigan, Acting Chief, Pell Grant Policy Section, or David Morgan, Pell Grant Program Specialist, Office of Student Financial Assistance, U.S. Department of Education (Room 4318, Regional Office Building 3), Washington, D.C. 20202. Telephone: (202) 472–4300.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1982, the Secretary published in the **Federal Register** a Notice of Proposed Rulemaking (47 FR 33412) setting forth alternative regulations for determining the expected family contribution under the Pell Grant Program only (Alternative A), or under the Pell Grant, National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Alternative B). The regulations proposed under Alternative A depended upon the timely enactment of changes proposed by the Administration to the Higher Education Act of 1965. Congress did not act upon these proposed amendments, but instead enacted Pub. L. 97–301 which does not reflect either alternative proposed by the Secretary.

Pell Grant Family Contribution Schedule

Section 5 of Pub. L. 97–301 requires the Secretary to use, with certain specific modifications, the 1982–83 Pell Grant Family Contribution Schedule as the 1983–84 Pell Grant Family Contribution Schedule. The modifications include the treatment of certain veteran's benefits, an increase in the family-size offset, and other changes to reflect the most recent and relevant data.

Campus-based Programs Need Analysis Systems

Section 4 of Pub. L. 97–301 authorizes the Secretary to continue approving separate systems of need analysis for the campus-based programs in the 1983–84 and 1984–85 award years.

Veterans Educational Benefits

In the 1982–83 award year certain veterans benefits were not considered in determining the student's expected family contribution. Section 124(5) of Pub. L. 97–92 required the Secretary to exclude as income, veterans educational benefits under Chapters 34 and 35 of Title 38 in the United States Code. However, a portion of these benefits were considered in determining the amount of the student's Pell Grant. The total of the student's Pell Grant, expected family contribution, a portion of the above described veterans benefits, and all social security educational benefits could not exceed the student's cost of attendance used in the Pell Grant calculation. If that total exceeded the cost of attendance, the student's Pell Grant award was reduced to the extent necessary to prevent the total of those amounts from exceeding his or her Pell Grant cost of attendance.

For the 1983–84 award year, the law requires that one-half of the veterans benefits a student receives under Chapters 34 and 35 of Title 38 must be included as effective family income in determining the student's expected family contribution. This is the same procedure that was used to assess veterans benefits before the 1982–83 award year.

Updating the Family-size Offsets

As required by Pub. L. 97–301, the family-size offsets have been increased by 7.3 percent. Thus, the offsets used in 1982–83 were multiplied by 107.3 percent and the result was rounded to the nearest $100.

Definition of "Independent Student"

The regulations for each of the three campus-based programs are amended by revising the respective dates that appear in the definition of the term "independent student" so that 1983 will be the applicable academic year.

Other Changes that Reflect the Most Recent and Relevant Data

- *Social Security Benefits*

Pub. L. 97–92 also required the Secretary to exclude social security educational benefits as income in determining the 1982–83 expected family contribution. These are benefits that are either paid to or on account of the student which would not be paid if he or she were not a student. For the 1982–83 award year, the Pell Grant award was reduced if social security educational benefits, the expected family contribution, and a portion of the veterans benefits exceeded the Pell Grant cost of attendance. Pub. L. 97–301 requires that, in the 1983–84 award year, social security educational benefits continue to be excluded from the expected family contribution.

Noneducational benefits received by the student from the Social Security Administration (e.g., Supplemental Security Income) will be included as income in determining the expected family contribution.

- *Updating Reporting Years*

The regulations update the calendar years used in the 1982–83 schedule. The base year is 1982 rather than 1981, and the years used to determine independent student status 1982 and 1983. For married students, the critical year is 1983.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These

regulations establish the formula for determining student eligibility for financial assistance under the Pell Grant. As such they do not have an impact on small entities.

List of Subjects

34 CFR Part 674

Loan programs—education, Student aid.

34 CFR Part 675

Colleges and universities, Education, Employment, Grant programs—education, Student aid.

34 CFR Part 676

Education, Grant programs—education, Student aid.

34 CFR Part 690

Administrative practice and procedure, Education of disadvantaged, Grant program—education, Student aid

Citation of Legal Authority

A citation of statutory of other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

Dated: October 25, 1982.

(Catalog of Federal Domestic Assistance Numbers: National Direct Student Loan Program, 84.038; College Work-Study Program, 84.033; Supplemental Educational Opportunity Grant Program, 84.007; and Pell (Basic) Grant Program, 84.063)

T. H. Bell,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations as set forth below:

PART 690—PELL GRANT PROGRAM

1. Subparts C and D of Part 690 are revised to read as follows:

Subpart C—Expected Family Contribution for a Dependent Student

Sec.

690.31 Indicators of financial strength.
690.32 Special definitions.
690.33 Effective family income.
690.33a Effective student income.
690.34 Computation of the expected family contribution for a dependent student.
690.34a Computation of the expected family contribution for a dependent student from the effective student income.
690.35 Computation of the expected contribution from parental assets.
690.36 Computation of the expected contribution from effective family income and parental assets, adjusted for the number of family members enrolled in programs of postsecondary education.
690.37 Computation of the expected contribution from the assets of the dependent student (and spouse).
690.38 Computation of the total expected family contribution.
690.39 Extraordinary circumstances affecting the expected family contribution determination for a dependent student.

Subpart D—Expected Family Contribution for an Independent Student

690.41 Indicators of financial strength.
690.42 Special definitions.
690.43 Effective family income.
690.44 Computation of the expected family contribution for an independent student from the effective family income.
690.45 Computation of the expected contribution from the assets of the independent student (and spouse).
690.46 Computation of the total expected contribution from the income and assets of the independent student (and spouse), adjusted for the number of family members enrolled in programs of postsecondary education.
690.47 [Reserved]
690.48 Extraordinary circumstances affecting the expected family contribution determination for an independent student.

Subpart C—Expected Family Contribution for a Dependent Student

§ 690.31 Indicators of financial strength.

"Expected family contribution" for a dependent student means the amount that the student and his or her family may reasonably be expected to contribute toward the cost of his or her education for an award period. Each of the following elements of financial strength will be considered in determining the family contribution for a dependent student:

(a) The effective incomes of (1) the student and his or her spouse, and (2) the student's parent(s).

(b) The number of family members in the household of the student's parent(s).

(c) The number of family members in the household of the student's parent(s) who are enrolled in, on at least a half-time basis, a program of postsecondary education.

(d) The assets of (1) the student and his or her spouse, and (2) the student's parent(s).

(e) The marital status of the student.

(f) The unusual medical expenses of the student's parents.

(g) The additional expenses incurred when both parents of the student are employed or when a family is headed by a single parent who is employed.

(h) The tuition paid by the student's parents for dependent children, other than the student, who are enrolled in an elementary or secondary school.

(Pub. L. 97-301)

§ 690.32 Special definitions.

For purposes of this subpart:

"Assets" means cash on hand, including amounts in checking and savings accounts, trusts, stocks, bonds, other securities, real estate, home (if owned), income producing property, business equipment, and business inventory. However, for Native American students, the following shall not be considered as an asset of the student or his or her family in determining the expected family contribution:

(a) Any property received under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.), the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, et seq.).

(b) Any property that may not be sold or encumbered without the consent of the Secretary of Interior, or

(c) Any other property held in trust for the student or his family by the United States Government.

"Business assets" means property that is used in the operation of a trade or business, including real estate, inventories, buildings, machinery and other equipment, patents, franchise rights, and copyrights.

"Dependent of the student's parents" means:

(a) The student,

(b) Any of the student's dependent children,

(c) Dependent children of the student's parents including those children who have been determined as to be "dependent students" when applying for Title IV student assistance, and

(d) Other persons (except the student's spouse) who live with and receive more than one-half of their support from the parents and will continue to receive more than half of their support from the parents during the 1983–84 award year.

"Dependent student" means any student who does not qualify as an independent student as defined in § 690.42(a).

"Dependent student offset" means (a) an offset from the effective income of a dependent student and his or her spouse to meet the basic needs of the student and spouse, plus (b) the portion of negative parental discretionary income that will not be used to offset the normal contribution from parental assets.

"Effective family income" and "effective income of the student and spouse" are described in §§ 690.33 and 690.33a respectively.

"Employment expense offset" means an allowance to meet expenses relating to employment when both parents are employed or when a parent qualifies as

a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

"Family-size offset" means an allowance to meet the subsistence expenses of a family, including food, shelter, clothing, and other basic needs. This offset is derived from the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration.

"Farm assets" means any property owned and used in the operation of a farm for profit, including real estate, livestock, livestock products, crops, farm machinery, and other equipment inventories. A farm is not considered to be operated for profit if crops or livestock are raised mainly for the use of the family, even if some income is derived from incidental sales.

"Federal income tax" means (a) the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code, or (b) the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or (c) the comparable taxes paid to the central government of a foreign country.

"Legal guardian" means an individual who has been appointed by a court to be a legal guardian of a person and who is specifically required by the court to use his or her own financial resources to support that person.

"Medical expenses" means unreimbursed medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code that were paid in 1982, unless the student files an application with the Secretary under the provisions of § 690.39. In that case the expenses reported are those paid in 1983.

"Net assets" means the current market value at the time of application of the assets included in the definition of "assets" minus the outstanding liabilities (indebtedness) against those assets.

"Parent" means the student's mother, father or legal guardian. An adoptive parent is considered to be the student's mother or father.

(Pub. L. 97-301)

§ 690.33 Effective family income.

(a) Effective family income is the annual adjusted family income minus the Federal income taxes paid or payable for the year that adjusted gross income is used in the calculation of the student's Pell Grant.

(b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), (e), (f), and (g) of this section, and § 690.39,—

(1) The sum received in 1982 by the student's parents from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no Federal income tax need be paid. An example of such income is the interest on municipal bonds; and

(iii) Other income upon which no Federal income tax is paid except for Social Security educational benefits received on account of the student. Examples of income to be reported include child support payments and income from income maintenance programs such as welfare benefits.

(2) One-half of any veteran's benefits to be paid to the student under chapters 34 and 35 of the United States Code for the 1983–84 award year.

(c) For a Native American student, the annual adjusted family income does not include the income received by the student's parents under the distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.), the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, et seq.).

(d) For a student whose parents are divorced or separated, the following procedures apply for reporting a parent's income to determine the annual adjusted family income—

(1) Report only the income, as described in paragraph (b) of this section, of the parent with whom the student resided for the greater portion of the 12 month period preceding the date of the application.

(2) If the preceding criterion does not apply, report only the income of the parent who provided the greater portion of the student's support for the 12 month period preceding the date of application.

(3) If neither of the preceding criteria apply, report only the income of the parent who provided the greater support for the period commencing January 1, 1982 and ending 12 months prior to the date of application.

(e) If either of the parents have died, the student shall report only the income of the surviving parent. If both parents have died, the student shall not report any parental income.

(f) The following rule applies if either a parent whose income is taken into account under paragraph (d) of this section, or a parent who is a widow or widower and whose income is taken into account under paragraph (3) of this section, has remarried. The income of that parent's spouse shall be included in determining the student's annual adjusted family income if, in either 1982 or 1983, the student—

(1) Has received or will receive financial assistance of more than $750 in either of those years from that spouse, or

(2) Has lived or will live for more than six weeks in either of those years in the home of the parent and that spouse.

(g) The annual adjusted family income does not include any student financial assistance except those veteran's benefits cited in paragraph (b)(2) of this section.

(Pub. L. 97-301)

§ 690.33a Effective student income.

(a) Effective student income is the annual adjusted income of the student (and spouse for a married student) minus the Federal, income taxes paid or payable for the year that adjusted gross income is used in the calculation of the student's Pell Grant. However, if estimated income is used, as provided by subparagraph (f) of this section, estimated income taxes will not be subtracted in determining the effective student income.

(b) "Annual adjusted income of the student and spouse" means, except as provided in paragaphs (c), (d), (e) and (f) of this section and § 690.39 the sum received in 1982 by the student and spouse from—

(1) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(2) Investment income upon which no income tax need be paid. An example of such income is the interest on municipal bonds; and

(3) Other income upon which no Federal income tax is paid except for Social Security educational benefits paid to the student. Examples of such income include child support payments, and income from income maintenance programs such as welfare benefits.

(c) For a Native American student, the annual adjusted income of the student and spouse does not include the income received by the student or spouse under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.) , the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, et seq.).

(d) If a student is divorced or separated, or if his or her spouse has died, the spouse's income shall not be considered in determining the "annual adjusted gross income of the student and spouse".

(e) The annual adjusted income of the student and spouse does not include any student financial assistance.

(f) If a student estimates that his or her income plus the income of his or her spouse, in the period of June 1, 1983 through May 31, 1984 will not exceed 60 percent of effective student income for 1982, effective student income will be the income estimated for that period. Estimated income includes only the income categories listed in paragraph (b).

(Pub. L. 97-301)

§ 690.34 Computation of the expected family contribution for a dependent student from the effective family income.

The expected family contribution for a dependent student from effective family income is calculated as follows:

(a) Determine the parents' discretionary income by deducting the following offsets from the effective family income:

(1) A family size offset in the amount specified in the following table:

FAMILY-SIZE OFFSETS

	Amount
Family members:	
2	$5,800
3	7,100
4	9,000
5	10,600
6	12,000

Plus $1,400 for each additional family member over 6. In determining the family size, the following rules apply—

(i) If the parents are not divorced or separated, family members include the student's parents, and the dependents of the student's parents.

(ii) If the parents are divorced or separated, family members include the parent whose income is included in computing the effective family income and that parent's dependents.

(iii) If the parents are divorced and the parent whose income is included in computing the effective family income has remarried, or if the parent was a widow or widower who has remarried, family members also include, in addition to those people referenced in paragraph (a)(1)(ii) of this section, the new spouse and any dependents of the new spouse if that spouse's income is included in determining the effective family income.

(2) An unusual expense offset equal to the amount by which the sum of unreimbursed medical and dental expenses exceeds 20 percent of the effective income of the parents. The expenses that may be reported are those expenses paid by the student's parents during 1982, unless the student files an application with the Secretary under the provisions of § 690.39. In that case, the expenses reported will be those paid in 1983. The expenses of both parents are included only if the incomes of both are subject to inclusion in determining the effective family income. Similarly, a stepparent's expenses are included only if his or her income was subject to inclusion.

(3) An employment expense offset in the amount specified as follows—

(i) If both parents were employed in the year for which their income is reported and both have their incomes reported in determining the expected family contribution, use the lesser of $1,500 or 50 percent of the earned income (income earned by work) of the parent with the lesser earned income.

(ii) If a parent qualifies as a head of household as defined in section 2 of the Internal Revenue Code, use the lesser of $1,500 or 50 percent of his or her earned income. The earned income figure to be used in all cases is that figure for 1982 unless the student files an application with the Secretary under the provisions of § 690.39. In that case, the figure to be used is the one for 1983.

(4) An educational expense offset equal to the tuition paid by the student's parents for dependent children, other than the student, enrolled in elementary or secondary school. The tuition which may be reported is the tuition paid in 1982 unless the student files an application with the Secretary under the provisions of § 690.39. In that case, the tuition reported will be that paid in 1983.

(b) If the parents' discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following chart. If the parent's discretionary income is negative, there is no expected contribution from income.

Discretionary income	Expected contribution
$0 to $5,000	11% of discretionary income.
$5,001 to $10,000	$550+13% of amount over $5,000.
$10,001 to $15,000	$1,200+18% of amount over $10,000.
$15,001 and above	$2,100+25% of amount over $15,000.

(Pub. L. 97-301)

§ 690.34a Computation of the expected family contribution for a dependent student from the effective student income.

The expected family contribution for a dependent student from effective student income is calculated as follows:

(a) Determine the student's discretionary income by deducting from the effective student income the relevant dependent student offset.

(1) If the parental discretionary income is positive, the offset is as follows:

DEPENDENT STUDENT OFFSET

Single student	$3,100
Married student	4,500

(2) If the parental discretionary income is negative, the relevant offset in paragraph (a)(1) of this section is increased by the amount of negative parental discretionary income that will be used as an offset against the contribution from parental assets in § 690.35(d).

(b) If the student's discretionary income is a positive amount, multiply it by one of the following figures to determine the expected contribution from effective student income:

(1) 75 percent for the single dependent student, or

(2) 25 percent for the married dependent student.

(c) If the student's discretionary income is negative, there is no expected contribution from the effective student income.

(Pub. L. 97-301)

§ 690.35 Computation of the expected contribution from parental assets.

The expected contribution from parental assets is determined in the following manner:

(a) If the parental assets include a principal place of residence, deduct $25,000 from the net value of the principal place of residence. If this subtraction produces a negative number, it shall be changed to zero.

(b) If the parental assets include assests other than a principal place of residence and other than farm and business assets, deduct $25,000 from the net value of those other assets. If this subtraction produces a negative number, it shall be changed to zero.

(c)(1) If the parental assets include farm and/or business assets, deduct $80,000 from the net value of the farm and/or business assets. If this subtraction produces a negative number, it shall be changed to zero.

(2) If the sum of the farm and business deduction and the deductions in paragraphs (a) and (b) of this section exceeds $100,000, the farm and business deduction shall be reduced by the amount that that sum exceeds $100,000.

(d)(1) Normally, the expected contribution from parental assets equals five percent of the total of the results obtained in paragraphs (a), (b), and (c) of this section.

(2) However, if the calculation of discretionary income required by § 690.34(a) produces a negative number, the expected contribution from parental assets, calculated under paragraph (d)(1) of this section, shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, it shall be changed to zero.

(e)(1) If the student's parents are separated, or divorced and not remarried, only the assets of the parent whose income is included in computing annual adjusted family income shall be considered.

(2) However, if that parent has remarried, or if the parent was a widow or widower who has remarried, and the parent's spouse's income is also included under § 690.33, the assets of that parent's spouse shall also be included.

(Pub. L. 97-301)

§ 690.36 Computation of the expected contribution from effective family income and parental assets, adjusted for the number of family members enrolled in programs of postsecondary education.

(a) For each grant, the amount expected from effective family income as determined in § 690.34(b) is added to the amount expected from parental assets as determined in § 690.35.

(b)(1) For each grant, the combined expectation determined in paragraph (a) of this section is adjusted in the following manner for the number of family members who will be attending, on at least a half-time basis, a program of postsecondary education during the award period for which Pell Grant assistance is requested:

Number of family members enrolled in programs of postsecondary education	Expected contribution per student from combined contributions
1	100 percent of the contribution determined in paragraph (a).
2	70 percent of the contribution determined in paragraph (a).
3	50 percent of the contribution determined in paragraph (a).
4 or more	40 percent of the contribution determined in paragraph (a).

(2) Family members are those persons referenced in § 690.34(a)(1).

(Pub. L. 97-301)

§ 690.37 Computation of the expected contribution from the assets of the dependent student (and spouse).

(a) The expected contribution from the net assets of a single dependent student equals 33 percent of the amount of those assets.

(b) The expected contribution from the net assets of the married dependent student and spouse is determined in the following manner:

(1) Deduct an asset reserve of $25,000 from the net assets. If this subtraction produces a negative number, it shall be changed to zero.

(2) The expected contribution from the net assets of the dependent student and spouse equals five percent of the remainder obtained in paragraph (b)(1) of this section.

(c) If the married dependent student is separated, only his or her assets shall be considered.

(Pub. L. 97-301)

§ 690.38 Computation of the total expected family contribution.

For each grant the total expected family contribution is the sum of—

(a) The expected contribution from the effective family income and parental assets as determined in § 690.36,

(b) The expected contribution from effective student income as determined in § 690.34a, and

(c) The expected contribution from the student's (and spouse's) assets as determined in § 690.37.

(Pub. L. 97-301)

§ 690.39 Extraordinary circumstances affecting the expected family contribution determination for a dependent student.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1983 for effective family income, if—

(1) A parent or stepparent whose 1982 income from work must be reported under § 690.33 has lost his or her job for at least 10 weeks during 1983,

(2) A parent or stepparent whose 1982 income from work must be reported under § 690.33 has been unable to pursue normal income-producing activities for at least 10 weeks during 1983 because of the occurrence—in 1982 or 1983—of (i) a disability, or (ii) a natural disaster,

(3) A parent or stepparent whose income must be reported under § 690.33 received unemployment compensation or nontaxable income in 1982 (that would be used in the calculation of the student's expected family contribution) and had a complete loss for at least 10 weeks in 1983 of one of those benefits. A nontaxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits would include Social Security benefits, welfare, court ordered child support, etc.,

(4) The parent(s) of the student have become separated or divorced after the student submitted his or her application. If such a separation or divorce is between a parent and a stepparent, the stepparent's income must have been reportable on the previous application under § 690.33 for this condition to apply, or

(5) A parent or stepparent whose 1982 income must be reported under § 690.33 has died after the submission of an earlier application for 1983–84. However, if the parent referred to in this paragraph is the last surviving parent with whom the student has or will have a dependency relationship according to § 690.42, the student must file an application under § 690.48(a)(7) if he or she wishes to use income data from 1983.

(b) For an application submitted under paragraph (a) of this section, the student (and parent) shall include the income already received for 1983 and an estimate of the income to be received for the remainder of that year.

(c) A student may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the student or his or her family has suffered a loss of or damage to assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States.

(Pub. L. 97-301)

Subpart D—Expected Family Contribution for an Independent Student

§ 690.41 Indicators of financial strength.

"Expected family contribution" for an independent student means the amount that the student and his or her spouse may reasonably be expected to contribute toward the cost of his or her education for an award period. Each of the following elements of financial strength will be considered in determining the family contribution for an independent student;

(a) The effective family income of the independent student and spouse.

(b) The number of family members in the household of the student and spouse.

(c) The number of family members in the household of the student and spouse who are enrolled in, on at least a half-time basis, a program of postsecondary education.

(d) The assets of the student and spouse.

(e) The unusual medical expenses of the student and spouse.

(f) The additional expenses incurred when both the student and spouse are employed or when the employed student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(g) The tuition paid by the student or spouse for dependent children who are enrolled in an elementary or secondary school.

(Pub. L. 97-301)

§ 690.42 Special definitions.

The definitions of "assets", "business assets", "farm assets", "family size offset", "Federal income tax", "legal guardian", "local income tax", "medical expense", "net assets", "parent", and "State income tax" are set forth in § 690.32.

"Dependent" means (a) the student's spouse (unless separated or divorced from the student), (b) any of the student's or spouse's children who qualify as dependent students (with respect to the student or spouse) and are attending an institution of higher education on at least a half-time basis, (c) other dependent children of the student or spouse, and (d) other persons who live with and receive more than one-half of their support from the student or spouse and will continue to receive more than one-half of their support from the student or spouse during the 1983-84 award period.

"Effective family income" is described in § 690.43.

"Employment expense offset" means an allowance to meet expenses relating to employment when both the independent student and his or her spouse are employed or when the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

"Independent student" means:

(a) A single student who for 1982 and 1983—

(1) Has not lived and will not live for more than six weeks in either year in the home of the parent(s) for whom income must be reported according to § 690.33;

(2) Has not been claimed and will not be claimed as a dependent for Federal income tax purposes by the parent(s) for whom income must be reported according to § 690.33; and

(3) Has not received and will not receive financial assistance of more than $750 in either year from the parent(s) for whom income must be reported according to § 690.33; or

(b) A married student who for 1983—

(1) Will not live for more than six weeks in the home of the parent(s) for whom income must be reported according to § 690.33;

(2) Will not be claimed as a dependent for Federal income tax purposes by the parent(s) for whom income must be reported according to § 690.33; and

(3) Will not receive financial assistance of more than $750 from the parent(s) for whom income must be reported according to § 690.33.

(Pub. L. 97-301)

§ 690.43 Effective family income.

(a) Effective family income is the annual adjusted family income minus the Federal income tax paid or payable for the year that adjusted gross income is used in the calculation of the student's Pell Grant.

(b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), and (e) of this section and § 690.48—

(1) The sum received in 1982 by the student and spouse from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no Federal income tax is paid. An example of such income is the interest on municipal bonds; and

(iii) Other income upon which no Federal income tax is paid except for Social Security educational benefits paid to the student. Examples of such income include child support payments, and income from income maintenance programs such as welfare benefits.

(2) One-half of any veteran's benefits to be paid to a student under Chapters 34 and 35 of Title 38, United States Code for the 1983-84 award year.

(c) For a Native American student, the annual adjusted family income does not include the income received by the student or spouse under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.), the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, et seq.).

(d) In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income shall not be considered in determining the annual adjusted family income.

(e) The annual adjusted family income does not include any student financial assistance.

(Pub. L. 97-301)

§ 690.44 Computation of the expected family contribution for an independent student from the effective family income.

The expected family contribution for the independent student from effective family income is calculated as follows:

(a) Determine discretionary income by deducting the following offsets from the effective family income.

(1) A family size offset in the amount specified in the following table.

FAMILY-SIZE OFFSETS

	Amount
Family members:	
1	$4,500
2	5,800
3	7,100
4	9,000
5	10,600
6	12,000

Plus $1,400 for each additional family member over 6.

In determining the family size, the following rules apply—

(i) Family members normally include the student and spouse and their dependents.

(ii) However, if the student is divorced or separated, the spouse (ex-spouse) and his or her dependents are not counted in the family size.

(2) An unusual expense offset equal to the amount by which the sum of unreimbursed medical and dental expenses exceeds 20 percent of effective family income. The expenses that may be reported are those expenses paid by the student and spouse in 1982, unless the student files an application with the Secretary under the provisions of § 690.48. In that case, the expenses reported will be those paid in 1983. The expenses of both the student and spouse are included only if the incomes of both are subject to inclusion in determining the effective family income.

(3) An employment expense offset in the amount specified as follows—

(i) If both the student and spouse were employed in the year for which their income is reported and both have their incomes reported in determining the expected family contribution, use the lesser of $1,500 or 50 percent of the earned income (income earned by work) of the person with the lesser earned income.

(ii) If a student qualifies as a head of household as defined in section 2 of the Internal Revenue Code, use the lesser of $1,500 or 50 percent of his or her earned income.

The earned income figure to be used in all cases is that figure for 1982, unless the student files an application with the Secretary under the provisions of § 690.48. In that case the figure to be used is the one for 1983.

(4) An educational expense offset equal to the tuition paid by the student and spouse for dependent children enrolled in elementary or secondary

school. The tuition that may be reported is the tuition paid in 1982, unless the student files an application with the Secretary under the provisions of § 690.48. In that case the tuition reported will be that paid in 1983. (20 U.S.C. 1070a(a)(3)(B))

(b) If the discretionary income is a positive amount, multiply it by one of the following figures to determine the expected family contribution from the effective family income of the student and spouse;

(1) 75 percent for the single independent student with no dependents; or

(2) 25 percent for the independent student with one or more dependents (including a spouse).

If the discretionary income is negative, there is no expected family contribution from effective family income.

(Pub. L. 97-301)

§ 690.45 Computation of the expected contribution from the assets of the independent student (and spouse).

(a)(1) Normally, the expected contribution from the net assets of the single independent student with no dependents equals 33 percent of the amount of those assets.

(2) However, if the calculation of discretionary income required by § 690.44(a) produces a negative number, the expected contribution from the student's assets calculated under paragraph (a)(1) of this section shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, it shall be changed to zero.

(b) For an independent student with dependents, the expected contribution from the assets of the student (and spouse) is determined in the following manner:

(1) If the assets include a principal place of residence, deduct $25,000 from the net value of the principal place of residence. If this subtraction produces a negative number, it shall be changed to zero.

(2) If the assets include assets other than a principal place of residence and other than farm and business assets, deduct $25,000 from the net value of those other assets. If this subtraction produces a negative number, it shall be changed to zero.

(3)(i) If the assets include farm and/or business assets, deduct $80,000 from the net value of the farm and/or business assets. If this subtraction produces a negative number, it shall be changed to zero.

(ii) If the sum of the farm and business deduction and the deductions in paragraphs (b)(1) and (b)(2) of this section exceeds $100,000, the farm and business deduction shall be reduced by the amount that that sum exceeds $100,000.

(4)(i) Normally, the expected contribution from the assets of the independent student with dependents equals five percent of the total of the results obtained in paragraphs (b)(1), (2), and (3) of this section.

(ii) However, if the calculation of discretionary income required by § 690.44(a) produces a negative number, the expected contribution from the student's (and spouse's) assets calculated under paragraph (b)(4)(i) of this section shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, it shall be reduced to zero.

(5) If the married independent student with dependents is separated, only his or her assets shall be considered.

(Pub. L. 97-301)

§ 690.46 Computation of the total expected contribution from the income and assets of the independent student (and spouse), adjusted for the number of family members enrolled in programs of postsecondary education.

(a) For each grant, the amount expected from family income as determined in § 690.44 is added to the amount expected from assets as determined in § 690.45.

(b) For each grant, the combined expectation determined in paragraph (a) of this section is adjusted in the following manner for the number of family members who will be attending, on at least a half-time basis, a program of postsecondary education during the award period for which Pell Grant assistance is requested:

Number of family members enrolled in programs of postsecondary education	Expected contribution per student from combined contributions
1	100 percent of the contribution determined in paragraph (a).
2	70 percent of the contribution determined in paragraph (a).
3	50 percent of the contribution determined in paragraph (a).
4 or more	40 percent of the contribution determined in paragraph (a).

Family members are those persons referenced in § 690.44(a)(1).

(Pub. L. 97-301)

§ 690.47 [Reserved]

§ 690.48 Extraordinary circumstances affecting the expected family contribution determination for an independent student.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1983 for effective family income if—

(1) The student was employed full-time in 1982 (at least 35 hours per week) for a minimum of 30 weeks during 1982) and is no longer employed full-time,

(2) A spouse whose 1982 income from work must be reported under § 690.43 has lost his or her job for at least 10 weeks during 1983,

(3) The student or spouse whose 1982 income from work must be reported under § 690.43 has been unable to pursue normal income-producing activities for at least 10 weeks during 1983 because of the occurrence—in 1982 or 1983—of (i) a disability or (ii) a natural disaster,

(4) The student or spouse whose income must be reported under § 690.43 received unemployment compensation or nontaxable income in 1982 (that would be used in the calculation of the student's expected family contribution) and had a complete loss for at least 10 weeks in 1983 of one of those benefits. A nontaxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits would include welfare, court ordered child support, etc.,

(5) The student has become separated or divorced after he or she submitted his or her application,

(6) A spouse whose 1982 income must be reported under § 690.43 has died after the submission of an earlier application for 1983 or 1984, or

(7) The student's last surviving parent with whom the student has or will have a dependency relationship according to § 690.42 has died.

(b) For an application submitted under paragraph (a) of this section, the student shall include the effective family income to be received for the remainder of that year.

(c) A student may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the student or his or her spouse has suffered a loss of or damage to assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States.

(Pub. L. 97-301)

PARTS 674, 675, AND 676—[AMENDED]

§ 674.2, 675.2, and 676.2 [Amended]

2. Sections 674.2, 675.2, and 676.2, respectively, are each amended by removing the definitions of "*Independent student (effective through June 30, 1981)*", "**Independent student (effective July 1, 1981 through June 30, 1982)*" and by adding, immediately following the definition of "**Independent student (effective July 1, 1982)*", the definition of "**Independent student (effective July 1, 1983)*" to read as follows:

* * * * *

**Independent student* (effective July 1, 1983):

(a) A single student who for 1982 and 1983—

(1) Has not lived and will not live for more than six weeks in either year in the home of his or her parent(s);

(2) Has not been claimed and will not be claimed as a dependent for Federal income tax purposes by his or her parent(s); and

(3) Has not received and will not receive financial assistance of more than $750 in either year from his or her parent(s); or

(b) A married student who for 1983—

(1) Has not lived and will not live for more than six weeks in the home of his or her parent(s);

(2) Has not been claimed and will not be claimed as a dependent for Federal income tax purposes by his or her parent(s); and

(3) Has not received and will not receive financial assistance of more than $750 from his or her parent(s).

(c) If a student's mother and father are divorced or separated, only one parent will be considered to be the parent of the student for purposes of applying the criteria in paragraphs (a) and (b) of this section. To determine that parent—

(1) Choose the parent with whom the student resided for the greater portion of the 12 month period preceding the date of application to have an expected family contribution determined under an approved need analysis system.

(2) If the preceding criterion does not apply, choose the parent who provided the greater portion of the student's support for the 12 month period preceding the date of application to have an expected family contribution determined under an approved need analysis system.

(3) If neither of the preceding criteria apply, choose the parent who provided the greater support for the period commencing January 1 of the calendar year which immediately precedes the first calendar year of the award period and ending 12 months prior to the date of application to have an expected family contribution determined under an approved need analysis system.

(d) If either of the parents have died, the institution shall consider only the surviving parent as the parent for purposes of applying the criteria in paragraphs (a) and (b) of this section. If both parents have died, the institution shall not consider either parent.

[FR Doc. 82-29745 Filed 10-27-82; 8:45 am]

BILLING CODE 4000-01-M

Proposed Rules

Federal Register
Vol. 47, No. 209
Thursday, October 28, 1982

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

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

Proposed Revisions to the United States Standards for Rough Rice, Brown Rice for Processing and Milled Rice

Correction

In FR Doc. 82-28329 beginning on page 46094 in the issue of Friday, October 15, 1982, make the following correction:

On page 46097, in § 68.310, under "Milling requirements (minimum)", the entry for Grade U.S. No. 4 now reading "Lightly milled" should have read "Reasonably well milled".

BILLING CODE: 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 36

[Docket No. 23340; Petition Notice No. PR-82-13]

Petition for Rulemaking of the Aerospace Industries Association of America; Noise Certification of Turbojet and Large Transport Category Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of petition for rule making; request for comments.

SUMMARY: This notice publishes for public comment the petition of the Aerospace Industries Association of America (AIA), dated September 8, 1982, on behalf of its member air carriers, for amendment of Parts 21 and 36 of the Federal Aviation Regulations (FAR) (14 CFR Parts 21 and 36). These Parts relate to airplane noise certification and prescribe both the noise level limits and the methods for demonstrating compliance with those limits. The AIA petition concerns the rules for turbojet airplanes and proposes: (a) Retaining the basic noise requirements that must be met for airplane noise certification; (b) deleting the detailed noise measurement and analysis specifications from the rule and issuing Advisory Circulars containing compliance demonstration techniques currently approved by FAA; (c) simplifying procedures for noise information reporting requirements in the Airplane Flight Manual; and (d) amending the acoustical change provisions of 14 CFR Part 21 to eliminate multiple compliance requirements such as demonstrations for non-standard operating configurations and alternative takeoff thrust options.

The petition involves questions of regulatory philosophy similar to those discussed by the FAA in Notice 82-13, Air Transportation Regulation (47 FR 41486; September 20, 1982). That Notice proposes, among other things, to implement the concept of Regulation By Objective (RBO) within the context of air transportation safety regulations. The FAA believes the AIA petition should be published verbatim in order to fully expose it for public comment and to ensure full consideration of the issues raised. This notice sets forth the contents of the AIA petition as received by the FAA without change, and its publication in accordance with FAA procedures governing the processing of petitions for rule making does not represent an FAA position on the merits of the petition or an FAA proposal to amend the current noise rules.

DATES: Comments must be received on or before January 20, 1983.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administation, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23340, 800 Independence Avenue, SW, Washington, D.C. 20591; or delivered in duplicate: Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 23340. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 a.m.

FOR FURTHER INFORMATION CONTACT: Richard Tedrick, Noise Policy and Regulatory Branch (AEE-110) Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Ave., SW, Washington, D.C. 20591; telephone (202) 755-9027.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petition for rule making as they may desire. Communications should identify the docket or petition notice number and be submitted in duplicate to the address for submitting comments indicated above under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered by the FAA before taking action on the petition for rule making. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments.

Issues:

The AIA petition raises issues concerning the stringency of the noise certification requirements, the quality of noise test data, and the costs of noise certification and subsequent documentation. Therefore, rather than publishing a synopsis, it is believed that public comments on the full text of the petition would be helpful.

To assist the FAA in its review of the AIA petition, comments are specifically welcomed on the following matters concerning the petition:

1. Ways in which the "Regulation by Objective" (RBO) concept can be implemented within the framework and objectives of Parts 21 and 36.

2. Cost savings and/or impacts that could be realized by adoption of RBO.

3. Need for the airplane flight manual to document the results of noise certification.

4. Alternatives to airplane flight manuals for documenting noise certifications.

5. Excepting "non-standard configurations" and derated engines from individual noise certification actions.

6. Means for simplifying the definition of, and documentation for, "acoustical changes."

7. Simplified (or alternative) noise testing procedures and methods for correcting test results to Part 36 standard day conditions.

8. Coordination and comparison with the international noise certification procedures (ICAO Annex 16).

9. Date of applicability for the proposed rule and aircraft types to which the rule would be applied.

10. Stringency and technical validity of noise certifications and noise data collected under the proposed rule modifications.

The AIA Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rule making of the Aerospace Industries Association of America, dated September 8, 1982.

Issued in Washington, D.C., on October 21, 1982.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petition for Rulemaking; Requested by Aerospace Industries Association: Noise Certification of Turbojet and Large Transport Category Airplanes

1.0 *Summary.* In accordance with paragraph 11.25 of Federal Aviation Administration (FAA) general rulemaking procedures (14 CFR Part 11), the Aerospace Industries Association of America (AIA) petitions the FAA on behalf of AIA member companies for amendments to sections of those regulations pertaining to the noise certification of turbojet and large transport category airplanes (14 CFR Part 21 and 14 CFR Part 36).

The purpose of the amendments proposed in this petition is to reduce the burden of demonstrating compliance with Parts 21 and 36 without compromising the objectives of airplane noise certification. As the noise regulation is currently structured, compliance demonstrations require that airplane noise measurements and analyses be carried out and documented in a prescribed manner. Important advancements in the technology of such measurements and analyses have occurred in the twelve years since Part 36 was promulgated. These advancements, coupled with the twelve years of experience in applying the regulation, provide evidence that many of the current demonstration specifications are obsolete and unnecessarily burdensome. The peitition proposes amendments that would facilitate the application of current and future technology in demonstrations and, at the same time, eliminate unwarranted burdens. On the other hand, the proposed amendments would not relax the stringency of the standards nor degrade the quality of test data. Thus, Parts 21 and 36 would continue to require the maximum level of noise relief for airport communities consistent with the mandate of Section 611 Paragraph d(4) of the Federal Aviation Act of 1958 (as amended) for full consideration of economic reasonableness and technological practicability. Some of the proposed amendments may apply only to turbojet powered airplanes.

The proposed amendments have been assessed for compatibility with the noise standards applicable to subsonic jet airplanes adopted by the International Civil Aviation Organization (ICAO). As a result of this assessment, AIA believes corresponding amendments could appropriately be incorporated within ICAO standards, Annex 16, Volume 1—Aircraft Noise. The FAA is requested to support within ICAO the incorporation of these amendments and thereby promote continued improvement and international harmonization of airplane noise standards.

Obsolescence in the specifications for demonstrating compliance is due to the rapid progress in technology and the inability of the formal rulemaking process to keep elaborate demonstration specifications current. It has therefore been necessary for manufacturers and the FAA to adopt measurement and analysis procedures differing from those specified in Appendix A by exercising the "equivalent procedure" authority provided in the regulation. These deviations have proven to be essential to keep certification costs from reaching unreasonable levels. AIA believes that the proposed amendments to both Part 36 and Part 21 would substantially streamline the administration of the noise certification process and provide the framework for achieving significant reductions in certification costs. Based on our members' assessment, the potential exists for up to a 50% certification cost reduction relative to a continuation of airplane noise compliance demonstration methods similar to those followed over the past twelve years.

One of the important amendments proposed in this petition is the removal from 14 CFR Part 36 of the detailed compliance noise measurement and analysis specifications currently contained in Appendices A, B and C of Part 36 and the publication of such specifications for applicant guidance in FAA Advisory Circulars. This change would not alter the noise level limits in the rule nor the airplane flight conditions at which compliance with the limits must be demonstrated. However, the change would facilitate the development and use of future new technically supportable methods that are expected from continuing technological developments. The existing requirement for documentation and prior FAA approval of the noise measurement and analysis procedures used in a specific certification program would be retained. Appropriate summaries of the test results and techniques would continue to be provided by the FAA on request.

Specifically, the amendments would align the regulation with the FAA announced plan of "regulation by objective" by (a) retaining within the regulation the basic noise requirements that must be met for airplane noise certification, (b) deleting the detailed noise measurement and analysis specifications from the rule and issuing Advisory Circulars and other appropriate documentation containing demonstration techniques approved by FAA, (c) simplifying procedures for noise information reporting requirements in the Airplane Flight Manual and (d) amending 14 CFR Part 21 acoustical change provisions to eliminate multiple compliance requirements such as demonstrations for non-standard operating configurations and alternative takeoff thrust options.

AIA believes that the adoption of the proposed regulatory amendments is in the public interest since a reduction in manufacturers' and government expenditures for regulatory compliance can be achieved without adverse impact on the progress in airplane source noise reduction currently being made by our member airframe and engine manufacturers.

2.0 *Background.* Industry and FAA experience in noise measurment and analysis methods was extremely limited at the time Federal Aviation Regulation (FAR), Part 36 was promulgated in 1969. The rule and accompanying appendices were structured for the demonstration of certification compliance by an individual airplane, and the noise measurement and analysis methods were based upon the technology available at the time the rule was promulgated.

Since 1969, Part 36 has been amended twelve times. In addition to the increased stringency of the noise level limits for both new type (Stage 3) and derivative (Stage 2) designs of turbojet and large transport category airplanes, four of the amendments introduced revisions that resulted in more restrictive noise measurement and analysis requirements. FAR Part 21 was also amended to provide a short-term

exemption for engine/nacelle intermixes from the "acoustical change" requirement. FAR Part 21 still retains the requirement to demonstrate compliance with FAR Part 36 when a change in airplane configuration other than intermix constitutes a change in type design.

In the more than twelve years since the promulgation of FAR Part 36, the commercial jet transporation industry has expended considerable funds and efforts to achieve major advancement in the technology of noise measurement and analysis. These advancements, coupled with noise certification experience, provide evidence that the current rule specifications for compliance demonstrations according to Parts 36 and 21 are, in numerous situations, obsolete and unnecessarily burdensome.

The FAA recently initiated a timely review of all of its standards for airplane certification to insure that they represent the current state of technology and to insure that they impose the least burden to industry consistent with safe and efficient airplane operation. As a result of this review certain changes in Part 36 were suggested. The suggested changes would not reduce stringency of the standards nor reduce the quality of the nose certification data developed; thus, they would not compromise the objective of the standands which requires the application in airplane design of all available, technologically practicable, and economically reasonable noise control technology. The suggested changes would provide manufacturers with more flexible and cost-effective testing methods consistent with existing standards of data quality. They would also improve the procedures for certifying an original airplane model and its derivatives.

In furthering the principle of international harmonization of airplane noise rules, the FAA determined that several of the changes being considered for FAR 36 should also be considered for the nose standards of the International Civil Aviation Organization (ICAO). The FAA presented these changes in a working paper at the March 1982 meeting of Working Group D of the ICAO Committee on Aircraft Noise, and invited consideration by the group of the suggested changes.

The AIA has pursued a cooperative study of the suggested changes in the March Working Paper with other manufacturing organizations within the International Coordinating Council of Aerospace Industries Associations (ICCAIA). As a result of this study it was concluded that the combined data and experience of the international manufacturing community support changes of the type suggested. In addition, other changes deemed worthy of adoption were identified in the ICCAIA study. The recommendations of this petition have been developed after review of the changes suggested by the FAA and ICCAIA and/or directed toward the same broad objective.

3.0 Petition for Rulemaking

3.1 Purpose and Scope. This petition for regulatory change proposes to amend current certification procedures regarding "acoustical changes" (14 CFR Part 21) and noise standards (14 CFR Part 36). The petition requests that Part 36 noise regulations pertaining to turbojet and large transport category airplanes be amended to reflect the Federal Government's current policy to describe regulatory requirements in terms of "objectives" rather than by specifying lengthy and detailed technical requirements on methods for achieving the objectives. AIA members believe that this regulatory philosophy would substantially aid in reducing the administrative burden for both government and industry, and would also provide greater flexibility in the use of state-of-the-art technology for compliance demonstration.

The regulatory language in Part 21 has necessitated noise compliance demonstrations and approvals, for numerous airplane configurations, that offer no benefits to the control and reduction of airplane noise (a single airplane is often considered as having multiple configurations for which noise compliance must be demonstrated). The proposed changes to Part 21 would eliminate these unproductive noise compliance demonstrations.

The requested regulatory amendments are intended to achieve, as a minimum, the following objectives:

1. A regulation that readily accommodates efficient flight demonstration procedures for use in compliance demonstration.

2. A regulation that accommodates in an efficient and consistent manner the needs of derivative airplane certifications.

3. Substantially reduce or eliminate the need to resort to a regulatory "equivalency" or similar type feature.

4. A regulation that readily accommodates improved noise compliance demonstration technology.

5. A regulation that permits noise test and measurement technology growth without unduly influencing the continued viability of previously acquired noise data bases.

6. Require only noise related data that are necessary and relevant be placed in the Airplane Flight Manual.

7. Eliminate the noise compliance requirements for non-standard operating configurations and alternative (de-rated) takeoff thrust operations.

Advantages to be derived from amending the existing regulatory structure and requirements are described below along with the proposed regulatory changes as required by Paragraph 11.25 of FAR Part 11. It should be noted that in some instances the same proposed regulatory change would alleviate several noted problems with the existing regulation. Prior certification test data, and industry and FAA experience support these requested changes.

3.2 Proposed Amendments to 14 CFR Part 36 and Part 21.

3.2.1 14 CFR Part 36.

Rule Structure.

The proposed amendments to FAR Part 36 are consistent with the FAA announced plan of "regulation by objective" and are also responsive to Executive Order 12291. Accordingly, the rule should be structured so that it provides the noise limits to be met, and the flight conditions at which they are to be met; however, the detailed specification of compliance demonstration should be deleted. Technical details of noise measurement and analysis procedures that are normally used in noise compliance demonstration should be published in FAA Advisory Circulars and other appropriate documents. This documentation would provide guidance to applicants and would facilitate ready accommodation of current and future noise measurement and analysis technology and would define acceptable procedures for future certification programs.

In modifying FAR 36 in accordance with the above suggestions the regulation and Advisory Circular language and format should be identical to existing Annex 16 where such language and format would be consistent with proposed amendments.

(1) *Airplane Type* [1] *Certification.* From an administrative point of view, the current noise certification process is cumbersome and is unnecessarily burdensome on both industry and FAA resources. The regulatory language and prescribed noise measurement and analysis technical specifications of Part

[1] "Type" as used in this petition refers to all airplanes on a Type Certificate with the added requirement that the power plants be of similar designs.

36 do not lend themselves to the practical certification of the prototype and derivative designs within an airplane type. As a result the detailed language is not consistent with the way in which the majority of large transport category airplanes are certified. Because a broad family of derivative configurations usually evolves from an original type design, flight testing of each subsequent configuration identified as an acoustical change under 14 CFR 21 Paragraph 21.93(b) in accordance with the full procedures of Appendix A would be impractical and prohibitively costly. Therefore, in order to comply with Part 36, manufacturers have devoted substantial resources to developing alternative methods for compliance demonstration, and the use of these methods has been approved by FAA on the basis of a finding of equivalency between the alternative methods and those of Appendix A. In principle, these alternative methods involve the development of a generalized noise data base for the airplane type. This approved data base is used to demonstrate compliance for the test airplane configuration and also for derived versions that have the same noise source characteristics. For those derived versions that have a change in the noise source characteristics, the noise data base is adjusted using supplemental analysis and/or test results, in some cases including static engine and/or limited flight testing. Over ninety five percent of all compliance approvals for large jet transport category airplanes have been obtained by the lengthy and detailed process of demonstrating "equivalency" (i.e., methods differing from those specifically detailed in FAR 36, Appendices A, B, & C). Thus, we submit, the need for regulatory amendments to reflect current compliance demonstration practices is self-evident.

While it may not have been possible to have identified a specific plan for airplane type noise certification when Part 36 was initially promulgated, experience has now been gained, and it is time to reflect this experience in the structure and language of Part 36. AIA therefore proposes that the FAA modify Part 36 to define those components that are common to all airplane noise compliance requirements and to avoid placing specifications in the regulation on methods for noise measurement and analysis for use in compliance demonstration. These common reference components that would be retained in the regulation are (a) measurement locations, (b) noise limits, (c) operational procedures, and (d) environmental conditions. Revising the regulation in this manner would negate the need to specifically expand the regulation to accommodate multiple versions within an airplane type. These certifications are currently accomplished using the "equivalency" feature of FAR 36. In conjunction with this regulatory change Advisory Circulars must be published at the earliest date possible that describe the currently used demonstration methods, e.g., acquisition of flight test data for demonstrating compliance, flight test data plus supplemental analysis, flight test data plus supplemental static and/or flight measurements, etc. These methods should include those described in FAR 36 Appendix A and methods previously approved by the FAA through the process of equivalency findings.

The amendment of Part 36 along with the publication of Advisory Circulars would provide industry with assurance of continued use of proven demonstration methods, thereby providing a base for long term certification planning. Further, it would inform all industry members of the acceptability of alternative, simpler and less costly demonstration techniques for derivative versions. The FAA administrative burden associated with Part 36 would be reduced substantially because the regulation would become more consistent with the demonstration methods actually in use. Thus, the continued need for the review and approval of alternative techniques would be minimized and a more efficient certification administrative process would evolve.

(2) *Long-Term Acceptability of FAA-Approved Airplane Noise Data.* AIA members invest substantial resources to develop generalized noise data bases for an airplane type since these data bases are essential for the cost effective and timely FAR 36 compliance demonstrations of individual airplane versions within a type. Derivative versions of an airplane type are developed over a period of many years. Our members are concerned with the possibility that, should the current structure of Part 36 be retained and subsequent amendments be made to the noise measurement and analysis procedures of existing Part 36 Appendices A and B, the potential exists for airplane-type data bases established prior to any such amendments to be questioned as to their continued validity. This could result in a substantial burden being placed on manufacturers to re-test and/or re-evaluate existing and already approved noise data.

When approval of compliance is requested for an airplane, the approved noise measurement and analysis procedures represent acceptable methods for compliance demonstration at that point in time. Noise data acquired using these procedures, and approved by FAA, should not be subject to any requirement for re-evaluation nor subject to any requalification as to their validity as a result of any subsequent FAA revisions to the noise measurement and analysis procedures. Noise data acquired under FAA approved procedures should continue to remain a a valid basis for the evaluation of derivative certification compliance.

Manufacturers believe the assurance of noise data base acceptability over the life of an airplane program is vital to the noise certification of an entire airplane type. Therefore, AIA requests FAA to amend FAR Part 36 such that there is not a direct regulatory requirment to use specifically designated noise measurement and analysis procedures for use in evaluating noise compliance. Modifying the noise regulation to define the "objective" and relegating the noise measurement and analysis procedures to Advisory Circular status as discussed in the previous sections would substantially aid in retaining noise data base acceptability.

(3) *Airplane Flight Manual Contents.* In combination with a significant reduction in the number of airplane configurations for which compliance demonstration is required, AIA members petition the FAA for simplification in the Airplane Flight Manual (AFM) reporting requirements under Part 36. An AFM is a legally required document certifying compliance with applicable airworthiness requirements and providing the information necessary for the safe operation of the airplane. If Part 36 compliance requires airplane limitations in terms of weight and/or operating configurations, such limitations are placed in the limitations section of the AFM. However, beyond this, only a minimum requirement for a Part 36 compliance statement should be necessary. Noise levels obtained under Part 36 reference conditions do not necessarily relate to the noise levels resulting from operation of the airplane at in-service weights and with typical in-service flight management procedures. Further, the noise descriptor required for noise certification differs from the descriptor endorsed by the FAA and airport authorities for conducting airport noise studies, i.e.,

certificated noise levels are reported in effective perceived noise decibels, whereas for community noise evaluation FAA has endorsed, and most airport monitoring systems provide as output, the A-weighted decibel as a fundamental unit. For these reasons, AIA members find no public benefit to be derived from inclusion of detailed Part 36 certification information in the AFM. Nevertheless, manufacturers are required to expend substantial AFM bookkeeping resources to maintain this information as it relates to the many thousands of individual airplane configurations. Certification noise levels and procedure information are available from FAA, and have in fact been published in Advisory Circular 36-1B. AIA encourages FAA to modify the AFM requirements as far as Part 36 compliance information is concerned so as to delete requirements for unnecessary and irrelevant information. Absence of noise information from the AFM would have no impact whatsoever on the pilot's operation of the airplane nor on the airplane noise levels experienced by airport communities.

(4) *Changes Related to Noise Measurement and Evaluation Procedures.* Since the promulgation of FAR Part 36, AIA member noise technology development programs and noise certification experience have provided substantial improvements in airplane noise measurement and analysis technology. However,the procedural changes made in technical Appendices A, B, and C to FAR Part 36 thus far have tended to be increasingly restrictive rather than to reflect the technology gains that would permit acquisition of quality data with improved test flexibility and more efficient noise measurement and analysis methods. Based upon previous experience and the expectation that noise measurement and analysis technology would continue to expand, AIA requests that the technical details of compliance demonstrations in Appendices A, B, and C be removed from FAR Part 36. AIA also requests that the FAA publish at the earliest possible date Advisory Circulars and other appropriate documentation that outline those currently used noise measurement and analysis procedures. This documentation could then by used as guidance material by all applicants involved in demonstrating compliance with noise standards and serve as a basis for discussions with appropriate ICAO working groups for purposes of developing international harmonization.

Advisory Circulars and other documentation developed for purposes of identifying acceptable methods for the noise measurement and analysis of airplane acoustic data should reflect existing and future practices. Advisory material for noise flight testing should afford manufacturers the greatest opportunity for test site selection, and the greatest flexibility in airplane operation and noise measurement and analysis methods to assist in completion of testing in the minimum time and at reasonable cost, consistent with maintenance of data quality. A similar philosophy should be adopted when developing advisory material that detailed acceptable methods for supplementing a flight data base with engineering analyses and/or additional static and/or flight acoustic data. Adoption of this recommendation would have no impact on data quality. However, adoption would reduce both the industry and FAA administrative burden and would provide a needed mechanism for the approval and/or publication of improved and technically supportable techniques.

3.2.2 *14 CFR Part 21.*

Multiple Compliance Demonstrations

AIA members are concerned about the large number of airplane operating configurations for which Part 36 compliance demonstration is provided (for one existing production airplane this is as large as 50 configurations per airplane) and propose that all non-standard operating configurations can be excluded from the demonstration requirements. Excluding these configurations would have no negative impact on airplane source noise control or on cumulative airport noise exposure and would provide a substantial reduction in the number of configurations, for a specific airplane model, requiring noise compliance demonstration. This exclusion would also provide a reduction in compliance approvals and maintenance of compliance documentation with a corresponding reduction in work expenditure by both industry and government.

FAR Part 21 Para. 21.93(b) requires a demonstration of Part 36 compliance for all airplane configurations classified as an acoustical change. Past FAA interpretation and implementation of the requirements of 21. 93(b) have resulted in manufacturers providing compliance substantiation analysis and documentation for many airplane configurations operated on an infrequent or temporary basis (these may include gear-down dispatch, spare engine carriage, in-service evaluation, and configuration deviation items). Part 36 compliance demonstrations for such non-standard operating configurations are unproductive. In practice the use of non-standard configurations is undesirable from an operational standpoint because of the performance degradation and/or limitations and increased fuel usage that frequently accompany their use. In effect, therefore, their use by operators is self-controlling.

Further, noise level differences of these alternative configuations relative to the "standard" configuration are small and are often offset by other airplane operating performance limitations, such as weight, associated with the particular non-standard configuration. The combination of the small, if any, noise increase and the infrequent use of non-standard operating configurations results in a negligible impact on individual airplane noise levels and absolutely no measurable impact on the cumulative noise levels around our nation's airports. However, the technical analyses, certification administrative actions, and the documentation (including Airplane Flight Manual) requirements associated with compliance demonstration for non-standard configurations places an unwarranted burden on industry resources. This effort is being expended without any public benefit whatsoever. Therefore, as a further step toward eliminating unnecessary technical and administrative workload for both industry and government, AIA petitions FAA to amend Part 21 to no longer classify non-standard configurations as acoustical changes and thereby provide relief from the Part 36 compliance demonstration requirements for all such configurations. This request is consistent with the action (Amendment 21-56) taken by FAA to permit temporary Part 36 compliance exemptions for engine/nacelle intermix configurations. This request is also consistent with the policy of several ICAO member states who have judged compliance demonstrations for such configurations unwarranted.

AIA members also believe that a requirement to substantiate compliance for airplanes operating at alternate (de-rate) takeoff thrust ratings is unnecessary and its elimination would allow further reduction of Part 36 compliance demonstrations. When Part 36 was originally promulgated the use of takeoff thrust was specified for the takeoff test condition (the rule still specifies this requirement). It was not foreseen in 1969 that the evolution of flight management computer systems and the quest for optimum operating efficiency would result in airplane

configurations with multiple takeoff thrust ratings. Consequently manufacturers now find themselves with a requirement to demonstrate Part 36 compliance at each of several alternate takeoff thrust ratings. AIA members do not believe that it was the original intent, nor is it necessary, to require these additional demonstrations of compliance. The noise level limits and compliance procedures of Part 36 have been established by FAA based on technology demonstration and economic considerations in accordance with the mandate of Section 611 of the Federal Aviation Act. Compliance with the Part 36 requirements by an airplane configuration operated at its maximum certificated takeoff weight and maximum allowable takeoff thrust ensures that all economically reasonable and technological practicable noise reduction is incorporated into the design. Compliance demonstration at alternate (de-rate) takeoff thrust ratings has no impact on the airplanes' structural, engine, or nacelle design and therefore provides no further satisfaction of the intent of noise certification.

The use of alternate takeoff thrust ratings in airplane operations generally occurs with reduced takeoff weight. The substantial effort required of manufaturers in terms of technical analysis, compliance approvals and bookkeeping (including Airplane Flight Manual) provides no additional measure of noise relief to the public. AIA therefore petitions FAA to clarify Part 21 to specifically delete any possible interpretation requiring multiple compliance demonstrations for alternate takeoff thrusts; compliance should be demonstrated for only the maximum allowable thrust rating. With advancing sophistication in flight management computers and in anticipation of expanding availability of alternate thrust ratings in airplane configurations, AIA members believe it is important to eliminate the unnecessary multiple configuration demonstrations and thus reduce further the administrative burden to both industry and FAA.

It is the opinion of AIA that the application of all economically reasonable noise control measures can be achieved by requiring a compliance demonstration for only one reference configuration per airplane model. This reference configuration would correspond to the normally installed and operated engine-nacelle and airframe configuration, and the takeoff performance would be based on the maximum allowable thrust rating until achieving the specified altitude where thrust reduction is a permitted option.

[FR Doc. 82-29613 Filed 10-27-82; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Parts 120, 121, 135; and SFAR 38

[Docket No. 22480; Notice No. 82-13A]

Air Transportation Regulation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meetings.

SUMMARY: This notice announces two public meetings to afford interested persons the opportunity to attend a presentation and question-and-answer period regarding Notice of Proposed Rulemaking (NPRM) No. 82-13 (47 FR 41486; September 20, 1982). NPRM No. 82-13, Air Transportation Regulation, proposes to remove Parts 121 and 135 from the Federal Aviation Regulations and to add a new Part 120 which implements a new concept in aviation safety regulations entitled "Regulation By Objective" (RBO).

DATES:

Tuesday, November 30, 1982, 9:00 a.m. to 5:00 p.m.;

Thursday, December 9, 1982, 9:00 a.m. to 5:00 p.m.

ADDRESSES: November 30: Los Angeles Marriott Hotel, 5855 W. Century Blvd., Los Angeles, CA 90045, (213) 641-5700. December 9: Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C. 20591, Auditorium, 3rd Floor.

FOR FURTHER INFORMATION CONTACT: Ida M. Cronauer, Regulatory Review Branch, ASF-410, Office of Aviation Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone: (202) 755-8714.

SUPPLEMENTARY INFORMATION:

Availability of Additional Copies of Notice

Any person may obtain a copy of Notice 82-13 or this notice by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center, APA-800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of the NPRM. Persons interested in being placed on the mailing list for future NPRMs should request a copy of Advisory Circular No. 11-2 which describes the application procedures.

Background

NPRM 82-13, which was published in the **Federal Register** on Monday, September 20, 1982, proposes to remove Parts 121 and 135 from the Federal Aviation Regulations and to add a new Part 120 which implements a new concept in aviation safety regulations entitled "Regulation By Objective" (RBO). Under the new concept the FAA would substitute broadly stated safety objectives for many of its detailed "how to" regulations.

Regulation by objective has three major goals:

1. To continue the high level of safety that has made United States aviation regulatory standards a model for almost every aviation regulatory body in the world.

2. To provide regulatory flexibility so that the aviation industry will not be impeded in developing innovative methods for achieving the level of safety thus far maintained under Federally established safety objectives.

3. To comply with the requirements of Executive Order 12291 and the Regulatory Flexibility Act of 1980 for reviewing exisiting regulations.

NPRM 82-13 stated that in addition to seeking comments on proposed Part 120, the FAA planned to schedule a public presentation of RBO to explain what it is and how it will work. In order to afford more people the opportunity to attend and participate, the FAA has scheduled two meetings; one to be held in Los Angeles, California, and one in Washington, D.C.

Request To Make a Presentation

Interested persons are invited to attend the meetings and to participate by making oral or written statements. Written statements should be submitted in duplicate and will be made a part of the rules docket. Requests to make an oral presentation at either public meeting should identify Docket No. 22480, indicate at which meeting the presentation will be made, the time required, and be sent to Ida M. Cronauer, Regulatory Review Branch, ASF-410, Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C. 20591; Telephone: (202) 755-8714. Requests must be received on or before November 22, 1982. Presentations will be scheduled on a first-come first-served basis as time may permit within the meeting schedule.

Meeting Procedures

Persons who plan to attend the meetings should be aware of the following procedures to be followed:

(a) The meeting will be informal in nature and will be conducted by the designated representative of the Administrator under 14 CFR 11.33. Each participant will be given an opportunity to make a presentation.

(b) The meetings will begin at 9:00 a.m. (local time). There will be no admission fee or other charge to attend and participate. All meeting sessions will be open to all persons on a space available basis. The presiding officer may accelerate the meeting agenda to enable early adjournment if the progress of the meeting is more expeditious than planned.

(c) All meeting sessions will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter directly. A copy of the court reporter's transcript will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meeting may be accepted at the discretion of the presiding officer. Participants submitting handout materials must present an original and two copies to the presiding officer for approval before distribution. If approved by the presiding officer, there should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by FAA participants at the hearing should not be taken as expressing a final FAA position.

Public Meeting Schedule

The schedule for the meetings is as follows:

November 30, 1982, Los Angeles, California

9:00 to 9:10 Presentation of Meeting Procedures.
9:10 to 10:30 FAA Presentation of proposed Part 120.
10:30 to 12:00 Public Presentations and Discussion.
1:30 to 5:00 Public Presentations and Discussion.

December 9, 1982, Washington, D.C.

9:00 to 9:10 Presentation of Meeting Procedures.
9:10 to 10:30 FAA Presentation of proposed Part 120.
10:30 to 12:00 Public Presentations and Discussion.
1:30 to 5:00 Public Presentations and Discussion.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1355(a), 1421 through 1430, and 1502); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 1.45)

Issued in Washington, D.C., on October 26, 1982.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 82-29852 Filed 10-27-82; 10:11 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-12745; File No. S7-949]

Exemptive Relief for Separate Accounts That Offer or Sell Variable Annuity Contracts to Certain Employees of Texas Institutions of Higher Education and Other Exemptive Relief for Certain Separate Accounts

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule and proposed rule amendments.

SUMMARY: The Commission is proposing for comment a rule and amendments to a rule relating to exemptions from the Investment Company Act of 1940 for registered insurance company separate accounts that offer or sell variable annuity contracts. The proposed rule would codify the standards that the Commission has developed with respect to applications filed by registered separate accounts and certain related persons seeking exemptive relief from various provisions of the Act to the extent necessary to permit them to comply with certain provisions of Texas law in connection with the sale of variable annuity contracts to certain employees of Texas institutions of higher education, thereby eliminating the need for such applications. The proposed rule amendments would expand the availability of the exemptive relief from the Act's minimum net worth requirement provided to separate accounts by an existing rule and the availability of related exemptive relief provided by three other existing rules. The Commission is also proposing related technical amendments to one of the general rules under the Act.

DATE: Comments must be received on or before December 17, 1982.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Comment letters should refer to File No. S7-949. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Thomas P. Lemke, Acting Special Counsel (202-272-2061), Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") today is publishing for comment proposed rule 6c-7 under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) ("Act") and amendments to rule 14a-2 under the Act (17 CFR 270.14a-2), relating to exemptions from certain provisions of the Act for registered insurance company separate accounts [1] that offer or sell variable annuity contracts (sometimes referred to as "separate accounts" or "applicants").[2] The exemptions would also be available for any depositor of, or underwriter for, such accounts ("other persons," and, together with separate account, sometimes referred to as "applicants"). Proposed rule 6c-7 would codify the standards that the Commission has developed with respect to applications filed by separate accounts and other persons seeking exemptive relief from various provisions of the Act to the extent necessary to permit them to comply with certain provisions of Texas law in connection with the sale of variable annuity contracts to certain employees of Texas public institutions of higher education. The proposed rule is one of several rules which the Commission has proposed or expects to propose codifying the standards that it has developed in connection with certain types of applications filed by separate accounts for so-called "start-up" exemptive relief and for other relief under the Act.[3]

[1] Section 2(a)(37) of the Act (15 U.S.C. 80-2(a)(37)) defines "separate account" to mean "an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company." A substantially identical definition of "separate account," as that term is used in various rules under the Act, is contained in rule 0-1(e)(1) under the Act (17 CFR 270.0-1(e)(1)). The term "insurance company" is defined in section 2(a)(17) of the Act (15 U.S.C. 80a-2(a)(17)).

[2] As used herein, the term "variable annuity contract" includes any variable accumulation or annuity contract or participation therein participating in a separate account pursuant to which the value of the contract, either prior or subsequent to annuitization, or both, varies according to the income, gains, or losses of the separate account.

[3] *See* Investment Company Act Rel. No. 12675 (September 20, 1982) (47 FR 42374, September 27, 1982) (proposed rule 11a-2).

With respect to the proposed amendments to rule 14a–2, the availability of the exemptive relief from the Act's minimum net worth requirement presently provided to separate accounts by that start-up rule is limited to separate accounts that fund certain "tax-benefited" variable annuity contracts. Moreover, since the availability of exemptive relief from three other provisions of the Act provided by related start-up rules 15a–3 (17 CFR 270.15a–3), 16a–1 (17 CFR 270.16a–1), and 32a–2 (17 CFR 270.32a–2) (the "related start-up rules") depends upon the applicability of rule 14a–2, the exemptions provided by those related start-up rules at present are also available only with respect to tax-benefited contracts. The amendments to rule 14a–2 now being proposed would expand the availability of that rule, and thus also of the related start-up rules, sufficiently to permit any separate account offering variable annuity contracts, regardless of the federal tax treatment accorded such contracts by the Internal Revenue Code, as amended, to rely on these rules.

Finally, the Commission is proposing several related technical amendments to rule 0–1(e) (17 CFR 270.0–1(e)) of its General Rules and Regulation under the Act.

Background

Section 6(c) of Act (15 U.S.C. 80a–6(c)) broadly authorizes the Commission to exempt, by rule or by order upon application, any person, security, or transaction from any provision of the Act "if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of (the Act)." The legislative history of this provision indicates that its purpose is to give the Commission flexibility "to meet situations which were not known" at the time the Act was adopted.[4]

Pursuant to section 6(c), a number of separate accounts and other persons have, for a variety of reasons, sought exemptive relief from various provisions of the Act prior to offering their variable annuity contracts to the public or to a specific segment of the public. With respect to certain types of these applications, it has been the Commission's experience that once the underlying legal issues have been resolved in the initial application, subsequent applications generally do not raise novel issues of law or fact. Therefore, Commission approval of such subsequent applications is generally granted, provided that applicants satisfy certain conditions which, in light of the standards for relief prescribed by section 6(c), the Commission's experience has shown are necessary and appropriate for the relief sought.

The Commission now believes that it would be appropriate to adopt rule 6c–7, which would codify generally the standards that the Commission has developed in connection with applications for exemptive relief from various provisions of the Act to the extent necessary to permit separate accounts and other persons to comply with certain provisions of Texas law in connection with the sale of variable annuity contracts to certain employees of Texas institutions of higher education. In addition, the Commission has reconsidered existing start-up rule 14a–2 and now believes that it would be appropriate to amend that rule in order to expand the availability of the exemptive relief provided to separate accounts therein from the Act's minimum net worth requirement and the availability of the relief privided by three related start-up rules from several other provisions of the Act.

Discussion

1. *Texas Optional Retirement Program Relief.* In 1967, the State of Texas enacted a statute that directed the governing boards of all Texas institutions of higher education to make available to their faculty members an Optional Retirement Program ("Program") as an alternative to the existing teacher retirement system.[5] The Program statute, as amended, provides as the funding media for the Program certain tax-qualified fixed or variable retirement annuity contracts purchased from any insurance or annuity company qualified to do business in Texas.[6] One provision of the statute provides that if a participant terminates his participation in the Program for reason other than death, retirement, or termination of employment in all Texas institutions of higher education, then he forfeits all accured benefits under the Program.[7] The predecessor of this provision, which was virtually identical in substance to the present provision,[8] was interpreted by the Attorney General of Texas in 1973 as prohibiting a participant from redeeming his annuity contract for cash or receiving a loan for all or any part of his accumulated contributions, notwithstanding express contractual language permitting such transactions, on the ground that each annuity contract issued to a Program participant must be construed in light of the provisions of the Program statute.[9]

Because section 22(e) (15 U.S.C. 80a–22(e)),[10] section 27(c)(1) (15 U.S.C. 80a–27(c)(1)),[11] and section 27(d) (15 U.S.C.

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[4] *Hearings on H.R. 10065 Before a Subcommittee of the House Committee on Interstate and Foreign Commerce*, 76th Cong., 3d Sess. 120 (1940) (statement of David Schenker) (hereinafter cited as "Hearings on H.R. 10065"). In *M.A. Hanna Company*, 42 SEC 477, 482 n. 5 (1969) (citations omitted), the Commission stated that "Section 6(c) was designed for exceptional situations where compliance with specific provisions of the Act is not necessary to accomplish the Act's objective and policies and that the authority conferred by Section 6(c) must be exercised with circumspection." *See also* Investment Company Act Release No. 1171 (April 28, 1948) ("the propriety of granting the relief which is sought (pursuant to section 6(c)) largely depends upon the purposes of the section from which an exemption is requested, the evils against which it is directed, and the ends which it seeks to accomplish").

[5] The Program statute was originally adopted in 1967 as Subchapter G of Chapter 51 of the Texas Education Code (hereinafter referred to as the "old statute"). This Code was repealed in 1981 and the Program, as amended, was reenacted as Chapter 36 of Title 110B of the Texas Revised Civil Statutes (Vernon 1981 Pamphlet) (hereinafter cited as "Ch. 36.—").

[6] *See* Chs. 36.002, 36.004, *supra*.

[7] Ch. 36.105, *supra*.

[8] Section 51.358 of the old statute provided that Program benefits would be available to participants upon death, termination of employment due to total disability, retirement, or termination of employment in Texas public institutions of higher learning. Issuers of variable annuity contracts have represented to the Commission, and the Commission is unaware of any judicial or legal interpretation to the contrary, that deletion in the amended statute of the language regarding the availability of benefits if a participant terminates employment due to disability was not intended as a substantive change to the rights of Program participants.

[9] Attorney General of Texas, Opinion H–532 (Feb. 18, 1975) (hereinafter "Attorney General's Opinion"). This interpretation was reaffirmed by the Attorney General in 1977 in Opinion H–1060 (Sept. 23, 1977).

[10] Section 22(e) states, in part, that no registered investment company shall suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than seven days after tender of the security except under certain circumstances. The term "redeemable security" is defined in section 2(a)(32) of the Act (15 U.S.C. 80a–2(a)(32)) to mean "any security, other than short-term paper, under the terms of which the holder upon its presentation to the issuer or to a person designated by the issuer, is entitled (whether absolutley or only out of surplus) to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof."

[11] Section 27(c)(1) generally requires that any periodic payment plan certificate sold by a registered investment company or its depositor or underwriter must be a redeemable security (*see* note 10 *supra*). Section 2(a)(27) of the Act (15 U.S.C. 80a–2(a)(27)) defines a periodic payment plan certificate, in part, as any certificate or security providing for a series of periodic payments by the holder and representing an undivided interest in certain specified securities or in a unit or fund of securities purchased wholly or partly with the proceeds of such payments. It has been the commission's position that if a variable annuity

80a-27(d))[12] of the Act do not permit the imposition of restrictions on redemption of the type required by the Program statute, as that statute has been interpreted by the Attorney General of Texas, separate accounts and other persons that propose to offer or sell variable annuity contracts to Program participants must obtain individual orders granting exemptive relief from these provisions.[13] Applicants typically justify their requests for exemptive relief on the ground that without such relief, Program participants would be denied an opportunity to select, through the purchase of the separate account's contract, a funding medium for their retirement benefits which is one of the types of funding media specifically provided for such purpose by the Texas legislature in the Program statute.

It has been the Commission's experience that such applications generally demonstrate that the requested relief is consistent with the standards set forth in section 6(c), and the relief typically is granted, provided that applicants include appropriate disclosure in the prospectus and in all sales literature informing participants of the restrictions on redemption imposed by the Program statute, agree to instruct their salepeople specifically to bring the restrictions to the attention of potential Program purchasers, and obtain from each Program purchaser a signed statement acknowledging the restrictions. The Commission now believes that in light of its experience, it would be appropriate to adopt a rule codifying the standards under which it has granted such exemptive relief by idividual order in the past. Accordingly, the Commission is proposing rule 6c–7, as discussed *infra*.

2. *Amendments to Existing Start-Up Rule.* Section 14(a) of the Act (15 U.S.C. 80a–14(a)) generally prohibits a registered investment company or its principal underwriter from publicly offering the securites of the investment company for sale unless the company either has a specified net worth, has previously made a public offering, or has taken steps to insure that it will have a specified net worth prior to making its public offering.[14] The legislative history of this provision indicates that section 14(a) was intended to insure that an investment company has a certain degree of financial responsibility prior to offering its securities.[15]

In 1969 the Commission determined that it would be appropriate to provide limited exemptive relief from section 14(a), and adopted rule 14a–2.[16] This rule exempts registered separate accounts proposing to engage in the sale of certain tax-benefited variable annuity contracts,[17] and their principal underwriters, from the requirements of section 14(a), provided that the separate account's sponsoring insurance company has a combined capital and surplus, if a stock company, or an unassigned surplus, if a mutual company, of not less than $1,000,000. At the same time, the Commission adopted rules 15a–3, 16a–1, and 32a–2 [18]—three related start-up rules the availability of which is conditioned upon, among other things, the separate account qualifying for exemptive relief from section 14(a)

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contract is permitted to be paid for with more than one purchase payment, the contract is a periodic payment plan certificate subject generally to section 27 of the Act (15 U.S.C. 80a–27).

[12] Section 27(d) generally provides that it shall be unlawful for any issuer of a periodic payment plan certificate (*see* note 11 *supra*) to sell such a certificate unless the certificate permits the holder thereof to surrender the certificate at any time within the first eighteen months after its issuance and receive in cash payment therefor a certain calculable amount.

[13] This conclusion is acknowledged in the Attorney General's Opinion, *supra* note 9, at 5, which states that "[i]f registered investment companies are unable to secure an exemption from the Securities and Exchange Commission for contracts to be used in the [Program], then these companies' variable annuity contracts are not eligible for use in [the Program]."

[14] Section 14(a) provides, in relevant part, that:

(a) No registered investment company organized after the date of enactment of this title, and no principal underwriter for such a company, shall make a public offering of securities of which such company is the issuer, unless—

(1) such company has a net worth of at least $100,000;

(2) such company has previously made a public offering of its securities, and at the time of such offering had a net worth of at least $100,000; or

(3) provision is made in connection with and as a condition of the registration of such securities under the Securities Act of 1933 which in the opinion of the Commission adequately insures (A) that after the effective date of such registration statement such company will not issue any security or receive any proceeds of any subscription for any security until firm agreements have been made with such company by not more than twenty-five responsible persons to purchase from it securities to be issued by it for an aggregate net amount which plus the then net worth of the company, if any, will equal at least $100,000; (B) that said aggregate net amount will be paid in to such company before any subscriptions for such securities will be accepted from any persons in excess of twenty-five; (C) that arrangements will be made whereby any proceeds so paid in, as well as any sales load, will be refunded to any subscriber on demand without any deduction, in the event that the net proceeds so received by the company do not result in the company having a net worth of at least $100,000 within ninety days after such registration statement becomes effective.

[15] *See S. Rep. No.* 1775, 76th Cong., 3d Sess. 13 (9140); *Hearings on H.R. 10065, supra* note 4, at 116.

[16] Investment Company Act Rel. No. 5586 (Jan. 24, 1969) (34 FR 1910) (proposed); Investment Company Act Rel. No. 5738 (July 10, 1969) (34 FR 12695) (adopted). Rule 14a–2 provides, in relevant part, that:

A registered separate account, and any principal underwriter for such account, shall be exempt from Section 14(a) of the Act with respect to a public offering of tax-benefited variable annuity contracts participating in such account: (1) If at the commencement of such offering such insurance company shall have (a) a combined capital and surplus, if a stock company, or (b) an unassigned surplus, if a mutual company, of not less than $1,000,000 as set forth in the balance sheet of such insurance company contained in the registration statement or any amendment thereto relating to such variable annuity contracts filed pursuant to the Securities Act of 1933, as amended, and (2) if at no time thereafter such insurance company shall knowingly place payments from contracts which are not tax-benefited in such separate account.

As the Commission discussed in the proposing and adopting releases, relief was necessary because separate accounts offering contracts issued in connection with certain tax-bennefited plans, which contemplate relatively small periodic payments made by or on behalf of a large number of individual employees, may not be able to obtain $100,000 of purchase payments within 90 days after the effective date of the registration statement and, thus, may have to make arrangements pursuant to section 14(a)(3)(C) of the Act (15 U.S.C. 80a–14(a)(3)(C)) to refund all purchase payments on demand and without the imposition of any sales load. Moreover, the Commission pointed out that a privately contributed $100,000 in such accounts would not eliminate this problem because it would require separate accounting treatment and could raise problems concerning the investment objectives of such accounts, including whether the addition of monies that were not tax-benefited to the account would preclude favorable tax treatment for other monies in the account. This problem of course would not arise where the contracts issued by the accounts did not receive special tax benefits.

[17] The term "tax-benefited variable annuity contracts" is defined in rule 14a–2 to mean variable annuity contracts purchased in connection with a plan meeting the requirements for qualification under section 401 of the Internal Revenue Code or the requirements for deduction of the employer's contributions under section 404(a)(2) of the Code, or contracts which meet the requirements of section 403(b) of the Code.

[18] Rule 15a–3 exempts the investment adviser of certain registered separate accounts from the requirement of section 15(a) of the Act (15 U.S.C. 80a–15(a)) that the initial written contract pursuant to which the investment adviser serves or acts shall have been approved by a vote of a majority of the outstanding voting securities of the registered separate account, under certain conditions. Rule 16a–1 generally exempts persons from the requirement of section 16(a) of the Act (15 U.S.C. 80a–16(a)) that no person shall serve as a director of a registered investment company unless elected to that office by shareholders to the extent necessary to permit such persons to serve as directors of certain separate accounts during the separate account's first year of operations, provided that certain conditions are satisfied. Rule 32a–2 exempts certain registered separate accounts from the prohibition contained in section 32(a) of the Act (15 U.S.C. 80a–31(a)) against filing any statement with the Commission that is signed or certified by an independent public accountant unless the selection of such accountant has been ratified by a vote of the contractowners of the separate account. These rules were necessitated by the exemptive relief included in rule 14a–2—and their availability is generally conditioned upon the separate account qualifying for the relief provided by rule 14a–2—because if there is no initial capital in the separate account, there can be no shareholders eligible initially to approve the investment advisory agreement, elect a board of directors, or ratify the selection of an independent public accountant.

either pursuant to rule 14a–2 or by order of the Commission.

The Commission now believes that limiting the availability of the exemptive relief provided by rule 14a–2 and by the related startup rules only to registered separate accounts offering certain tax-benefited variable annuity contracts is not necessary or appropriate for the protection of investors. The Commission believes that the present rule's requirement that in order for a separate account to rely on the rule its sponsoring insurance company must have a minimum capital and surplus, which would be retained in the proposed amended rule, is sufficient to protect investors from the abuses that section 14 of the Act is intended to eliminate. Moreover, the proposed amendments to the rule would benefit insurance companies sponsoring separate accounts that offer or sell contracts that are not tax-benefited by eliminating what the Commission believes to be an unnecessary burden presently imposed on them. Accordingly, the Commission, as discussed *infra,* is proposing to amend rule 14a–2 in order to make the relief provided therein—and thereby the relief provided by the related start-up rules—available to any registered separate account funding variable annuity contracts, regardless of whether such contracts are tax-benefited.[19]

Proposed Rule and Rule Amendments

1. *Proposed Rule 6c–7.* Proposed rule 6c–7 exempts a registered separate account and any depositor of or underwriter for such account from the provisions of sections 22(e), 27(c)(1), and 27(d) of the Act to the extent necessary to permit compliance with the Texas Optional Retirement Program statute, as discussed *supra,* provided that the separate account or the depositor or underwriter for such account satisfies the conditions prescribed by paragraphs (a)–(e) of the proposed rule. As noted above, these conditions codify existing practices with respect to these applications.

Paragraph (a) of the proposed rule requires that the separate account's registration statement, including its prospectus, must include appropriate disclosure concerning the restrictions on redemption imposed by the Program statute, while paragraph (b) requires similarly appropriate disclosure to be included in any sales literature used in the Program market. Paragraph (c) requires that salespeople invloved in soliciting in the Program market be instructed specifically to bring the restrictions on redemption to the attention of potential purchasers. Paragraph (d) requires that there be obtained from each purchaser of a contract in connection with the Program, prior to or at the time of purchase, a signed statement acknowledging the restrictions on redemption.

Finally, paragraph (e) requires that the separate account's Registration Statement under the Securities Act of 1933 (15 U.S.C. 77a et seq.) include a representation that rule 6c-7 is being relied upon and that the provisions above have been complied with.[20] This provision will insure that the fact that a separate account is relying on the relief provided by the rule will be made available to the general public and it will enhance the Commission's ability to monitor utilization of and compliance with the rule. In this regard, the Commission believes that compliance with paragraph (e) would not require a special filing by the separate account but rather that the required information may be included in the separate account's next post-effective amendment.

2. *Proposed Amendments to Rule 14a-2.* The proposed amendments to rule 14a-2 would expand the availability of the exemptive relief provided therein to separate accounts from the minimum net worth requirement of section 14(a) of the Act. The relief provided by the present rule is available only to separate accounts issuing certain tax-benefited variable annuity contracts. The proposed amendments would make the rule's exemptive relief available to any separate account offering variable annuity contracts regardless of whether such contracts are tax-benefited. Furthermore, because the exemptive relief provided to certain separate accounts by related start-up rules 15a-3, 16a-1, and 32a-2 under the Act (*see* note 18 *supra*) is made available in part to separate accounts qualifying for exemption under rule 14a-2, the proposed amendments, if adopted, would expand the availability of the relief afforded by those rules.

3. *Proposed Technical Amendments to Rule 0–1(e).* Rule 0–1 of the General Rules and Regulations under the Act defines various terms used in those rules. Rule 0–1(e) defines the term "separate account" and sets forth the conditions for availability of exemptive relief for separate accounts pursuant to those rules. The Commission is proposing to amend rule 0–1(e) to include rule 6c-7 as one of the rules listed therein.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting requirements, Securities.

Text of Proposed Rule 6c-7 and Proposed Amendments to Rules 14a-2 and 0–1(e)

PART 270—[AMENDED]

It is proposed that Part 270 of Chapter II of Title 17 of the Code Federal Regulations be amended as follows:

1. By revising paragraphs (e) and (e)(2) of § 270.0–1 to read as follows:

§ 270.0–1 Definition of terms used in this part.

* * * * *

(e) Definition of separate account and conditions for availability of exemption under §§ 270.6c-6, 270.6c-7, 270.14a-2, 270.15a-3, 270.16a-1, 270.22d-3, 270.22e-1, 270.27a-1, 270.27a-2, 270.27a-3, 270.27c-1, and 270.32a-2 of this chapter.

(1) * * *

(2) As conditions to the availability of exemptive Rules 6c-6, 6c-7, 14a-2, 15a-3, 16a-1, 22d-3, 22e-1, 27a-1, 27a-2, 27a-3, 27c-1, and 32a-2, the separate account shall be legally segregated, the assets of the separate account shall, at the time during the year that adjustments in the reserves are made, have a value at least equal to the reserves and other contract liabilities with respect to such account, and at all other times, shall have a value approximately equal to or in excess of such reserves and liabilities; and that portion of such assets having a value equal to, or approximately equal to, such reserves and contract liabilities shall not be chargeable with liabilities arising out of any other business which the insurance company may conduct.

* * * * *

2. By adding new § 270.6c–7 to read as follows:

§ 270.6c–7 Exemptions from certain provisions of sections 22(e) and 27 for registered separate accounts offering variable annuity contracts to participants in the Texas Optional Retirement Program.

A registered separate account, and any depositor of or underwriter for such account, shall be exempt from the

[19] In addition to making the exemptive relief provided by rule 14a–2 available to separate accounts offering contracts that are not tax-benefited, the proposed amendments would, of course, also make the rule's exemptive relief available to separate accounts offering tax-benefited contracts not presently included within the definition of that term contained in the present rule (*see* note 17 *supra*), such as contracts purchased in connection with a plan meeting the requirement for qualification under section 457 of the Internal Revenue Code.

[20] The exemptive relief afforded by the proposed rule, of course, would be made available only so long as Texas law is interpreted by the Attorney General of Texas as imposing restrictions upon the redeemability of variable annuity contracts offered or sold to Program participants that are inconsistent with the pertinent provisions of the Act.

provisions of sections 22(e), 27(c)(1), and 27(d) of the Act (15 U.S.C. 80a–22(e), 80a–27(c)(1), and 80a–27(d), respectively) with respect to any variable annuity contract participating in such account to the extent necessary to permit compliance with the Texas Optional Retirement Program ("Program"), *Provided*, That the separate account, depositor, or underwriter for such account.

(a) Includes appropriate disclosure regarding the restrictions on redemption imposed by the Program in each registration statement, including the prospectus, used in connection with the Program;

(b) Includes appropriate disclosure regarding the restrictions on redemption imposed by the Program in any sales literature used in connection with the offer of annuity contracts to Program participants;

(c) Instructs salespeople who solicit Program participants to purchase annuity contracts specifically to bring the restrictions on redemption imposed by the Program to the attention of potential purchasers;

(d) Obtains from each Program participant who purchases an annuity contract in connection with the Program, prior to or at the time of such purchase, a signed statement acknowledging the restrictions on redemption imposed by the Program; and

(e) Includes in Part II of the separate account's Registration Statement under the Securities Act of 1933 a representation that this section is being relied upon and that the provisions of paragraphs (a)–(d) of this section have been complied with.

3. By revising § 270.14a–2 to read as follows:

§ 270.14a–2 Exemption from section 14(a) of the Act for certain registered separate accounts and their principal underwriters.

A registered separate account, and any principal underwriter for such account, shall be exempt from section 14(a) of the Act (15 U.S.C. 80a–14(a)) with respect to a public offering of variable annuity contracts participating in such account if, at the commencement of such offering, the insurance company establishing and maintaining such separate account shall have (a) a combined capital and surplus, if a stock company, or (b) an unassigned surplus, if a mutual company, of not less than $1,000,000 as set forth in the balance sheet of such insurance company contained in the registration statement or any amendment thereto relating to such contracts filed pursuant to the Securities Act of 1933, as amended.

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Chairman of the Commission has certified that the rule and rule amendments proposed herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

Paperwork Reduction Act

The information collection required by rule 6c–7 has been submitted to the Office of Management and Budget for clearance.

Statutory Authority

Proposed rule 6c–7 and the proposed amendments to rule 14a–2 are promulgated pursuant to the provisions of sections 6(c) and 38(a) of the Act (15 U.S.C. 80a–6(c) and 80a–37(a), respectively). The proposed amendment to rule 0–1(e) (17 CFR 270.0–1(e)) is promulgated pursuant to the provisions of section 38(a) of the Act (15 U.S.C. 80a–37(a)).

By the Commission.

George. A. Fitzsimmons,

Secretary.

October 18, 1982.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that proposed rule 6c–7 and the proposed amendments to rule 14a–2 under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.)* ("Act"), if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for the certification with respect to proposed rule 6c–7 is that there are few, if any, registered insurance company separate accounts that are expected to elect to use this exemption and qualify as "small entities," as that term has been defined in the Commission's rules. Moreover, the reduction in costs to such separate accounts, if any, resulting from the proposed rule's elimination of their need to file certain exemptive applications is not expected to have a significant economic impact on any such separate accounts.

The reason for this certification with respect to the proposed amendments to rule 14a–2 is that the proposed amended rule will not have a significant economic impact on any entities, as discussed below. Present rule 14a–2 provides that separate accounts issuing certain tax-benefited variable annuity contracts need not comply with section 14(a) of the Act, which generally requires, as relevant here, that a separate account have at least $100,000 of assets prior to making a public offering of its contracts. The practical effect of section 14(a) and rule 14a–2, as relevant here, is that they require that in certain circumstances the sponsoring insurance company of a separate account proposing to offer contracts that are not tax-benefited may have to invest $100,000 of its assets in the separate account until such time as the separate account has accumulated $100,000 of purchase payments from contractowners.

However, it has been the Commission's experience that the economic impact of this requirement, if any, is not significant with respect to sponsoring insurance companies because: (1) The types of investments in which separate accounts invest are similar in many instances to the types of investments that such insurance companies would otherwise have invested their assets in; (2) the return earned on assets invested in separate accounts is generally comparable to the yield that such insurance companies would otherwise have earned on those assets; and (3) this requirement does not in any way permanently restrict such insurance companies' ability to utilize any of their assets invested in separate accounts, since generally they may, at any time and without any restrictions, redeem those assets (albeit to the possible detriment of the separate account's ability to offer securities publicy under the Act).

The proposed amendments to rule 14a–2 would make the exemptive relief provided therein from section 14(a) available to all separate accounts, regardless of the tax status of the contracts they offer. Accordingly, because the Commission believes that the present economic impact of the requirement imposed by section 14(a) and rule 14a–2 is not significant with respect to any existing sponsoring insurance company, the Commission believes that the elimination of that requirement through the proposed amendments to rule 14a–2 would not have a significant economic impact on any future sponsoring insurance company or separate account.

John S. R. Shad,

Chairman.

October 18, 1982.

[FR Doc. 82–29487 Filed 10–27–82; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 74

[CGD 81–051]

Charges for Coast Guard Aids to Navigation Work

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to revise 33 CFR Part 74 which establishes the charges for Coast Guard aids to navigation work. The charges presently listed in the Code of Federal Reguations were last reviewed in 1976 and do not reflect current costs. The proposed revision will delete the

charges for aids to navigation work from the regulations and direct the persons subject to those charges to the appropriate Coast Guard District Commander for current costs. Additionally, the regulations will be simplified with unnecessary material removed.

DATES: Comments must be received on or before December 13, 1982.

ADDRESSES: Comments may be submitted to Commandant (G–CMC/44), U.S. Coast Guard, Washington, D.C. 20593. Comments will be available for examination at the Marine Safety Council (G–CMC/44), (CGD 81–051), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St. SW, Washington, D.C. 20593, between 8 AM and 4 PM Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: LTJG Ronald A. GAN, Office of Navigation, Short Range Aids Division (G–NSR/14), Room 1416, U.S. Coast Guard Headquarters, 2100 Second St. SW, Washington, D.C. 20593, (202) 426–1973, between 8 AM and 4 PM Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. All responses should identify this notice (CGD 81–051) and the specific section of the proposal to which they apply. Replies should also include the reasons for the communication and the name and address of the person submitting the remarks. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. All responses received before the expiration of the comment period will be considered before the final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the Federal Register if it is requested in writing by an interested person who is raising a genuine issue and desires to comment orally at a public hearing.

Drafting information: The principal persons involved in the drafting of this proposal are LTJG Ronald A. GAN, Project Manager, Office of Navigation, and LT Mark D. HANLON, Project Attorney, Office of the Chief Counsel.

Background

Title 14, section 85, United States Code gives the Secretary of Transportation, for the protection of maritime navigation, the authority to prescribe and enforce necessary and reasonable rules and regulations relative to the establishment, maintenance, and operation of lights and other signals of fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States.

Title 14, section 86, United States Code gives the Coast Guard the authority to mark the location of any sunken vessel or other obstruction to navigation existing on the navigable waters or waters above the continental shelf of the United States. The Coast Guard may then, at the discretion of the Secretary of Transportation, charge the owners of the same for the cost of marking.

Title 14, section 642 of the United States Code authorizes the Coast Guard to recover the cost of repair or replacement of an aid to navigation that is damaged or destroyed by a private person.

Discussion of Proposed Rule

The proposed rules would revise regulations which specify the charges for Coast Guard aids to navigation work. Presently, the charges are listed in the Code of Federal Regulations. These charges were last reviewed in 1976 and do not reflect the present cost of Coast Guard equipment and services. The transfer of these costs from the regulations to an annually revised, and readily available, Coast Guard publication would allow the Coast Guard to charge the users for the current average cost of manpower and equipment associated with the marking process. The average cost will be based upon review of actual expenses recorded by units servicing aids to navigation.

The discrepancies between the charges published in 33 CFR Part 74 and the actual costs incurred force the Coast Guard to absorb any increases in the cost of manpower and equipment. Using 1981 accounting data, the greatest loss absorbed in buoy costs is in the preparation and servicing of an 8 foot lighted buoy. It costs approximately $1420 to prepare a buoy of this type for setting. The preparation charge published in the regulations is $869.The resulting loss to the Coast Guard is $551. Further, the monthly service charge for this buoy in 33 CFR Part 74 is $63 while the actual cost is $86. This results in a monthly servicing loss of $23.

In the case of certain smaller buoys, the difference between the published charges and the actual costs results in the user being charged too much for the aids to navigation work. The best illustration of this is the 4th class can or nun buoy. The published preparation charge for this buoy is $112. Due to advances in the design of this type of buoy, preparation is no longer required before setting the buoy and the user is unnecessarily charged. The published monthly service charge is $21 while the actual cost is only $4. This discrepancy results in the user being overcharged $17 per month by the Coast Guard.

The disparity between the published and actual charges for aids to navigation work is not limited to the buoy costs alone. The vessel and boat use costs have also gone up markedly since the last review of charges in 1976. Using 1981 accounting data, the greatest discrepancy exists in the cost per hour of a coastal buoy tender (WLM). The regulations list the cost per hour of a WLM as $194. This published average hourly charge for the three types of WLM is drastically less than the actual cost. In reality, a 157 foot WLM costs $871 per hour to operate, a 157 foot WLM costs $638 per hour, and a 133 foot WLM costs $443 per hour. Consequently, the Coast Guard must absorb the difference in the costs which ranges from $677 to $249.

The proposed revisions to this Part are necessary and worth-while because the financial burden for aids to navigation work will be more equitably shifted from the taxpayers to the actual users of the service. It is proposed that Subpart 74.05, Charges to Armed Forces, and Subpart 74.15, Charges to Federal Agencies Other Than the Armed Forces, be removed. These subparts regulate various charges to other governmental agencies. Agreements between governmental agencies need not be codified in the Code of Federal Regulations.

Regulatory Evaluation

These proposed regulations have been evaluated under DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations", dated May 22, 1890, and have been found not to be significant. The proposed increase in cost to the public will vary since the work performed, types of vessels performing, and charges will vary. A review of past charges was conducted in an effort to determine the scope of the impact of this proposal on the public. In 1981, the Coast Guard charged the public $83,750 for the installation and maintenance of aids marking sunken obstructions. This proposal is estimated to increase the overall replacement charges by 16%, overall preparation charges by 30%,

overall service charged by 13%, and overall vessel use charges by 204%. For example, if a third class unlighted buoy is prepared, installed by a 75 foot WLR in three billable hours, and maintained for one year, the current charge is $562. The charge as proposed here, based upon the latest average cost figures, would be $966. The result is a 72% charge increase. If, for example, a 3½ foot lighted buoy is prepared, installed by a 133 foot WLM in three billable hours, and maintained for one year, the current charge is $1,193. The charge proposed here, based upon the latest average cost figures, would be $2,112. The result is a 77% charge increase. Assuming an average charge increase of 75% and assuming the work performed in the future will be similar to that done in 1981, the amount chargeable would increase from $83,750 to $146,562

The satisfactory marking of a sunken wreck by its owner is a statutory obligation. The owner has the option of marking the wreck privately or requesting the Coast Guard to mark it. Any proposed increase in the charge for Coast Guard marking need not additionally burden the owner since he may elect to mark the wreck privately. The owner may benefit from electing the Coast Guard marking program if it is more convenient or cost-effective.

These proposed regulations have been evaluated under E.O. 12291 and have been determined not to be major, for the reasons stated above. In addition, these proposed regulations are certified as having no significant economic impact upon a substantial number of small entities. The need to mark an obstruction is a random occurrence which is no more likely to affect small entities than any other entity. In the event that a small business entity is affected, it is anticipated that the maximum increase in the cost of marking an obstruction will be $1,000. This relatively minor cost increase is not expected to significantly impact the economics of small businesses.

List of Subjects in 33 CFR Part 74

Navigation (water).

PART 74—[AMENDED]

In consideration of the foregoing, it is proposed that Part 74 of Title 33, Code of Federal Regulations, be amended as follows:

1. The authority citation for Part 74 is revised as follows:

Authority: 14 U.S.C. 81, 85, 86, 92, 93, 141, 633, 642, 647; (49 CFR 1.46(b)).

Subpart 74.01—Charges to the Public

2. By revising § 74.01–10 as follows:

§ 74.01–10 Charges invoiced to owner for marking sunken wrecks and other obstructions to navigation.

Charges for the establishment, maintenance, and replacement by the Coast Guard of an aid, either permanent or temporary, to mark a sunken wreck or other obstruction to navigation are calculated to recover the Coast Guard costs involved in, or associated with, the marking process. These charges will be invoiced to the owner of the obstruction. Charges for the removal of aids to navigation established by the Coast Guard will be invoiced to the owner unless the District Engineer requests the continued marking of the obstruction. All charges will be assessed in accordance with Subpart 74.20 of this part.

Subpart 74.05—Charges to the Armed Forces [Removed]

3. By removing Subpart 74.05.

Subpart 74.15—Charges to Federal Agencies Other Than the Armed Forces [Removed]

4. By removing Subpart 74.15.

Subpart 74.20—Aids to Navigation Costs

5. By revising § 74.20–1 to read as follows:

§ 74.20–1 Buoy and vessel use costs.

(a) The buoy and vessel use costs for establishing, maintaining, repairing, replacing, or removing an aid to navigation under the requirements of this part are contained in COMDTNOTE 7310 (series) which is available at the Office of the Comptroller of the appropriate Coast Guard District Commander.

(b) Buoy and vessel use charges under this part are made for the cost or value of time, in hours, consumed by the Government vessel, including ship's complement, employed in marking the obstruction. No charge for time and expense of Coast Guard vessels is made when the marking of the obstruction causes only minimal interruption of routinely scheduled ship's duty.

Dated: August 26, 1982.

H. H. Kothe,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 82–29719 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 110

[CCGD8–82–13]

Anchorage Regulations, Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering amending the anchorage regulations on the Lower Mississippi River by establishing a permanent anchorage in the vicinity of Magnolia, Louisiana, to be called the Magnolia Anchorage. This action is necessary to provide needed additional anchorage space for deep draft vessels and to accommodate the occasional overflow from the deep draft anchorages further upriver. The anchorage is also needed so that midstream transfer operations can be conducted.

DATE: Comments must be received on or before December 13, 1982.

ADDRESS: Comments should be mailed to Captain of the Port, New Orleans, LA, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117. The comments will be available for inspection or copying at the above address. Normal office hours are between 7:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR R. E. FORD, Port Safety Officer, Captain of the Port, New Orleans, LA, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117, Tel: (504) 589–7118.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CCGD8–82–13), the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

These rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this notice are LT M. W. BROWN, Project Officer, c/o Commander, Eighth Coast Guard District (mps) and LT J. C. HELFRICH, Project Attorney, c/o Commander, Eighth Coast Guard District (dl), Hale Boggs, Federal Bldg., 500 Camp Street, New Orleans, LA 70130.

Discussion of Proposed Rule

In the past, the Crescent River Pilot Association has continuously requested the Captain of the Port, New Orleans to allow them to anchor vessels in the vicinity of Magnolia, LA on the Lower Mississippi River. Because of those requests, and the continuing nature of them, the Captain of the Port recommended that a temporary anchorage be established in the vicinity of Magnolia in order to evaluate the actual need and feasibility of a permanent anchorage in that location. Based on this recommendation, the Commander, Eighth Coast Guard District established a temporary anchorage from mile 45.8 to mile 47.5 AHOP and 800 feet wide on the right descending bank of the Lower Mississippi River on 20 November 1981 for 90 days. Upon the completion of the initial 90 day period, the need for the anchorage was reevaluated and it was determined that the anchorage was still needed but that modifications were necessary. Accordingly, on 19 April 1982 the temporary anchorage was reestablished but relocated at mile 45.5 to mile 46.9 AHOP on the right descending bank. The width of the anchorage was also modified to 1100 feet from mile 45.5 to mile 46.3, and 600 feet measured 500 feet from the Low Water Reference Plane from mile 46.3 to mile 46.9. This was necessary due to a revetment in part of the anchorage. This temporary anchorage was again re-established on 14 July 1982.

Based on the usage and safety record of the anchorage, creation of a permanent anchorage is justified. The anchorage has the capacity to handle 4 vessels under normal conditions, but could handle up to 6 vessels in an emergency and presently has an average density of approximately 2 vessels per day. The anchorage is a deep draft anchorage and is needed to provide anchorage space for facilities in the area and to accommodate the occasional overflow from the deep draft anchorages further upriver. The anchorage is also needed so that midstream transfer operations can be conducted.

The anchorage is in the vicinity of several existing facilities, and there are two additional facilities that will also be located in the area in the planning stages. The anchorage is located along a reaonably straight stretch of the river and no waterway user conflicts are anticipated. Since the temporary anchorage has been established, there have been no vessel accidents in the immediate area and this anchorage poses no hazard to vessels navigating in the area. Because of the character of the river at the location, this proposed anchorage offers a safe means of preventing crowding at other anchorages as well as providing earmarked space in case of an emergency, thus enhancing navigational safety on the waterway. The Coast Guard has thus far received no adverse comments concerning this anchorage.

Economic Evaluation

These proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplication, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation of the proposal has not been conducted since its impact is expected to be minimal. It is believed, however, that any economic impacts will be positive as the existence of this anchorage decreases vessel transit time and allows additional midstream cargo operations to occur. It is also certified that in accordance with Section 605(b) of the Regulatory Flexibility Act, that these rules, if promulgated, will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulations.

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, as follows:

PART 110—[AMENDED]

1. By adding a new paragraph (4a) to § 110.195 as follows:

§ 110.195 Mississippi River below Baton Rouge, LA including south and southwest passes.

(a) * * *

(4a) Magnolia Anchorage. An area 1.4 miles in length between mile 45.5 to mile 46.9 above Head of Passes along the right descending bank of the river. From mile 45.5 to mile 46.3 the area has a width of 1100 feet. From mile 46.3 to mile 46.9 the area has a width of 600 feet as measured 500 feet riverward from the Low Water Plane of the right descending bank.

* * * * *

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46(c)(1); 33 CFR 1.05-1(g))

Dated: October 22, 1982.

W. H. Stewart,

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

[FR Doc. 82-29743 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 2182-6]

Standards of Performance for New Stationary Sources; Appendix A; Traverse Point Revisions to Method 1

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The purpose of this action is to propose revisions to Method 1, "Sample and Velocity Traverses for Stationary Sources," of Appendix A of 40 CFR Part 60 that would decrease the minimum number of required traverse points. For particulate traverses, the number of traverse points is reduced from 48 to 24. For velocity traverses, the number is reduced from 24 to 16. This action is being taken because several studies have shown that the number of traverse points can be reduced from those now specified without sacrificing accuracy. This change would reduce the sampling time and possibly the cost of testing.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed revisions.

DATES:

Comments. Comments must be received on or before December 27, 1982.

Public Hearing. A public hearing will be held, if requested. Persons wishing to request a public hearing must contact EPA by December 13, 1982. If a hearing is requested, an announcement ot the date and place will appear in a separate Federal Register notice.

ADDRESSES:

Comments. Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-82-07, U.S.

Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Public Hearing. Persons wishing to present oral testimony should notify Mrs. Naomi Durkee, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5578.

Background Information Document. The Background Information Document (BID) for the proposed revisions may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park North Carolina 27711, telephone Number (919) 541–2777. Please refer to "Background Information for Proposed Revisions to Reduce Number of Traverse Points in Method 1" (EPA 450/3–82–016a).

Docket. Docket No. A–82–07, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Shigehara, Emission Measurement Branch (MD–19), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–2237.

SUPPLEMENTARY INFORMATION: Method 1, "Sample and Velocity Traverses for Stationary Sources," is being revised because several studies have shown that the number of traverse points can be reduced from those now specified without sacrificing accuracy. This change would reduce the sampling time and possibly the cost of testing.

These revisions would apply to all souces subject to the standards of performance specifying the use of Method 5 for the measurement of particulate matter emissions or method 2 for velocity measurements, including standards that have already been promulgated. This rulemaking would not impose any additional emission measurement requirements on any facilities. Rather, the rulemaking would simply revise a test method associated with emission measurement requirements that would apply irrespective of this rulemaking.

Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprise to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b), I hearby certify that the attached rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and Paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

(Secs. 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, and 7601(a))

Dated: October 19, 1982.

Anne M. Gorsuch

Administrator.

PART 60—[AMENDED]

It is proposed that Appendix A of 40 CFR Part 60 be amended by revising Method 1 as follows:

1. By revising Figure 1–1 and Figure 1–2 as shown below.

BILLING CODE 6560-50-M

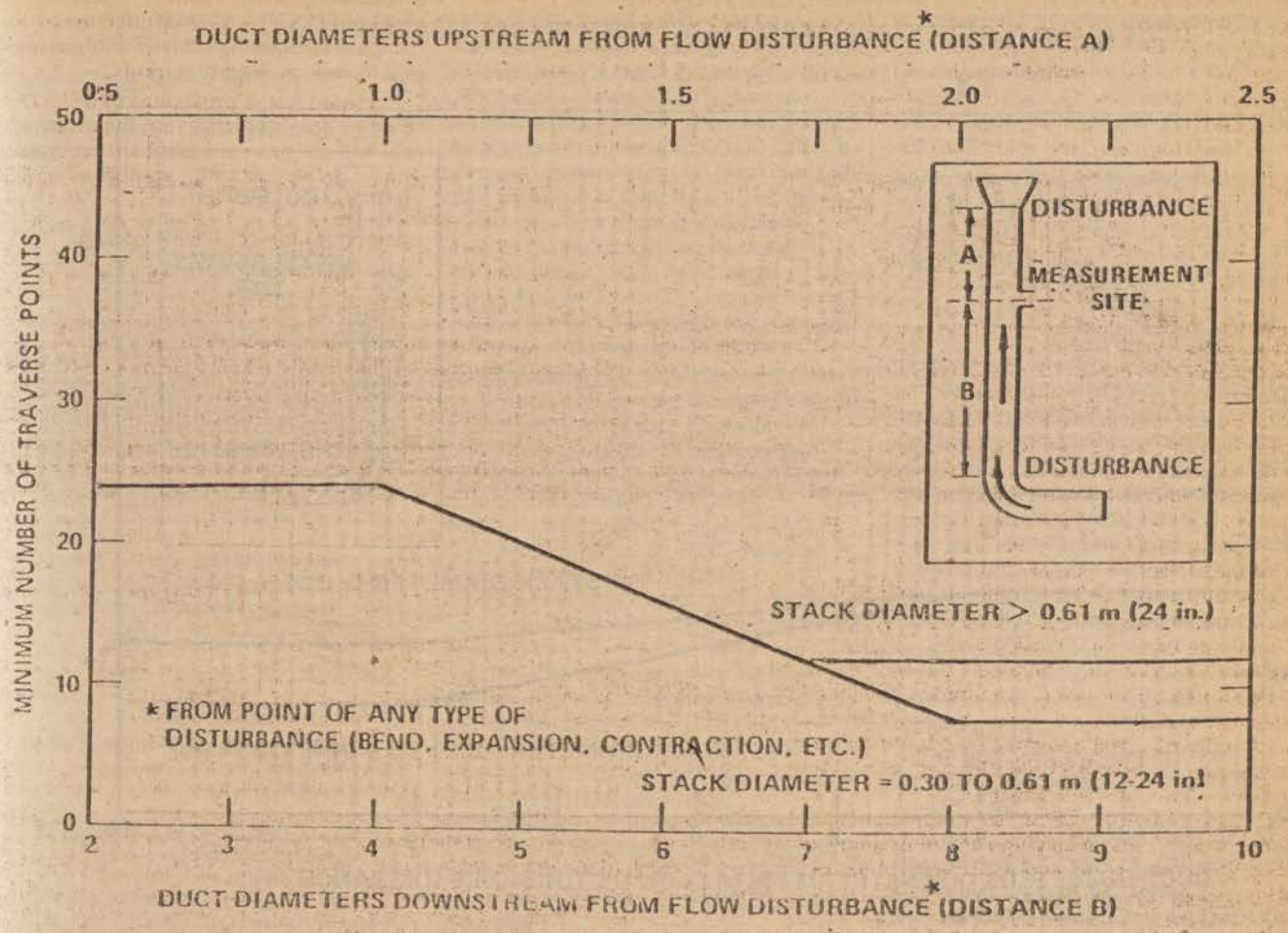

Figure 1-1. Minimum number of traverse points for particulate traverses.

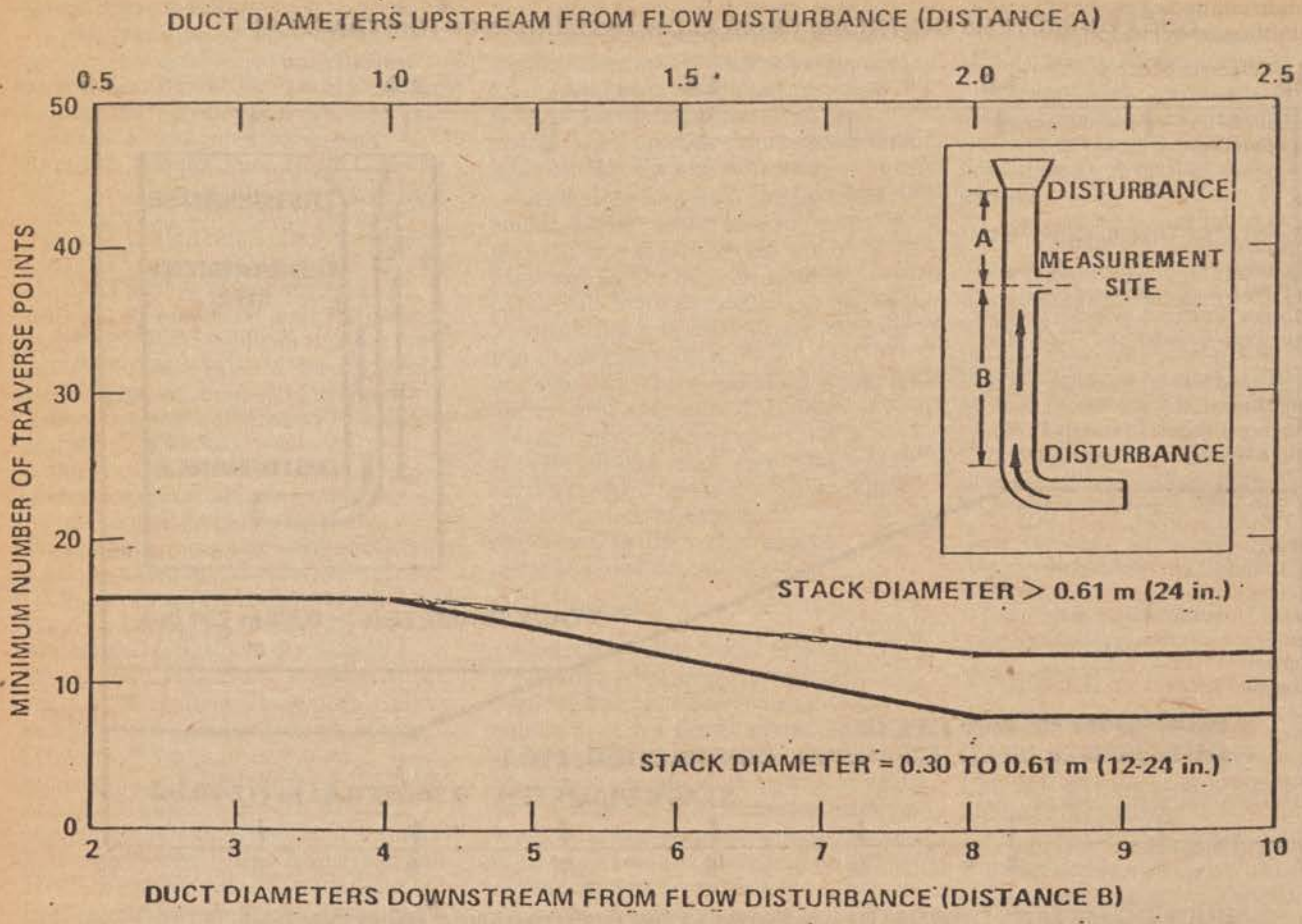

Figure 1-2. Minimum number of traverse points for velocity (nonparticulate) traverses.

BILLING CODE 6560-50-C

2. By adding citations 7 through 12 to Section 3 (Bibliography) as follows:

Appendix A—Reference Methods

* * * * *

Method 1. Sample and Velocity Traverses for Stationary Sources

* * * * *

3. * * *

7. Hanson, H.A., R.J. Davini, J.K. Morgan, and A.A Iversen. Particulate Sampling Strategies for Large Power Plants Including Nonuniform Flow U.S. Environmental Protection Agency. Research Triangle Park, N.C. Publication No. EPA–600/2–76–170. June 1976. 350 p.

8. Brooks, E.F. and R.L. Williams. Flow and Gas Sampling Manual. U.S. Environmental Protection Agency. Research Triangle Park, N.C. Publication No. EPA–600/2–76–203. July 1976. 93p.

9. Entropy Environmentalist, Inc. Traverse Point Study. EPA Contract No. 68–01–3172. June 1977. 19 p.

10. Brown, J., and K. Yu. Test Report: Particulate Sampling Strategy in Circular Ducts. Emission Measurement Branch. Emission Standards and Engineering Division U.S. Environmental Protection Agency. Research Triangle Park, N.C. 27711. July 31, 1980. 12 p.

11. Hawksley, P.G.W., S. Badzioch, and J.H. Blackett. Measurement of Solids in Flue Gases. Leatherhead, England, the British Coal Utilisation Research Association, 1961. p. 129–133.

12. Knapp, K.T. The Number of Sampling Points Needed for Representative Source Sampling. In: Proceedings of the Fourth National Conference on Energy and the Environment, Theodor, L., et al. (ed.). Dayton, Dayton Section of the American Institute of Chemical Engineers. October 3–7, 1976. p. 563–568.

[FR Doc. 82–29652 Filed 10–27–82; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 123

[HW–4–FRL 2234–3]

Hazardous Waste Management Program, Kentucky: Application for Interim Authorization, Phase II, Components A and B

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of a public hearing.

SUMMARY: Today EPA is announcing the availability for public review the Kentucky application for Interim Authorization, Phase II, Components A and B, of the Hazardous Waste Management Program, inviting public comment, and giving notice that if significant public interest is expressed, EPA will hold a public hearing on the application.

DATE: If significant public interest is expressed, a public hearing is scheduled for December 14, 1982 at 7:00 p.m., EST. EPA reserves the right to cancel the public hearing if significant public interest is not communicated to EPA by telephone or in writing by November 29, 1982. EPA will determine by December 2, 1982, whether there is significant interest to hold the public hearing. All written comments on Kentucky's application for Phase II, Components A and B, must be received by the close of business on November 29, 1982.

ADDRESSES: Written comments on the application and communication either in writing or by telephone of interest in EPA holding a public hearing on the Kentucky application must be directed to: James H. Scarbrough, Chief, Residuals Management Branch, U.S. EPA, 345 Courtland St., N.E., Atlanta, Georgia 30365, 404/881–3016.

To find out if EPA will hold a public hearing on Kentucky's application based upon EPA's decision that there was significant public interest in such a hearing, write or telephone after November 29, 1982, the EPA contact person listed below or telephone Mr. J. Alex Barber, Director, Division of Waste Management, Department of Environmental Protection, Natural Resources & Environmental Protection Cabinet, Fort Boone Plaza, 18 Reilly Road, Frankfort, Kentucky 40601, 502/564–6716.

Copies of the Kentucky Phase II, Components A & B, interim authorization application are available during normal business hours at the following addresses for inspection and copying:

Division of Waste Management, Department of Environmental Protection, Natural Resources & Environmental Protection Cabinet, Fort Boone Plaza, 18 Reilly Road, Frankfort, Kentucky 40601, Telephone: 502/564–6716

Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: 404/881–4216

Written comments should be sent to: James H. Scarbrough, Chief, Residuals Management Branch, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: 404/881–3016.

If significant public interest is expressed, and EPA decides to hold the public hearing on December 14, 1982, it will be held at: Capital Plaza Tower Auditorium, Wilkinson Blvd. and Mero Street, Frankfort, Kentucky.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: 404/881–3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33066) the Environmental Protection Agency promulgated regulations, pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of Kentucky received interim authorization for Phase I on April 1, 1981.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase II of interim authorization. Component A, published in the **Federal Register** January 12, 1981 (46 FR 2802), contains standards for permitting containers, tanks, surface impoundments and waste piles. Component B, published in the **Federal Register** January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123, Subpart F (45 FR 33479).

As noted in the May 19, 1980 **Federal Register**, copies of complete State submittals for Phase II interim authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal.

Dated: October 19, 1982.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 82–29558 Filed 10–26–82; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6431]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to caluculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

List of Subjects in 44 CFR Part 67.

Flood insurance, Floodplains.

The proposed base (100-Year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
Arizona	Yuma (city)	Colorado River	At center of Fourth Avenue Bridge	*136
	Yuma County	Yuma Levee	At the intersection of Colorado Street and 21st Avenue.	*133
		Shallow Flooding	At the intersection of 1st Street and 9th Avenue	*133
			At the intersection of 3rd Street and Maiden Lane	*138
			On 10th Street, 500 feet west of Southern Pacific RR	*142
		East Main Canal	At the intersection of 17th Street and Magnolia Avenue.	#3
			100 feet upstream from 12th Street crossing	#2
Maps available for inspection at the Department of Development Services, 3W 3rd Street, Yuma, Arizona.				
Send comments to the Honorable Phil Clark, 180 W. 1st Street, Yuma, Arizona 85364.				
California	Lindsay (City), Tulare County	Lewis Creek	Center of intersection of Hermosa Street and Harvard Avenue.	*385
Maps available for inspection at City Clerk's Office, 251 E. Honolulu Street, Lindsay, California.				
Send comments to the Honorable James Chapman, P.O. Box 369, Lindsay, California 93247.				
California	Tulare (city), Tulare County	Elk Bayou	Confluence with Elk Bayou Ditch	*266
		Shallow Flooding	On Avenue 200, one hundred feet east from center of intersection with Southern Pacific Railroad.	#1
		Shallow Flooding	300 feet southwest from confluence of Elk Bayou and Elk Bayou Ditch.	#2
Maps available for inspection at the Planning Department, 411 East Kern Avenue, Tulare, California.				
Send comments to the Honorable Phil Vandergrinft, 411 East Kern Avenue, Tulare, California 93274.				
Florida	City of Apalachicola, Franklin County	Apalachicola Bay	Intersection of Market Street and Avenue J	*9
			Intersection Avenue B and 6th Street	*13
		Shallow Flooding	Intersection of 8th Street and Avenue G	*11
			Intersection of 10th Street and 23rd Avenue	*14
Maps available for inspection at City Clerk's Office, City Hall, 6 Avenue E, Apalachicola, Florida 32320.				
Send comments to Mayor Roger R. Newton or Ms. Dorothy Rolstad, City Clerk, City Hall, P.O. Box 10, Apalachicola, Florida 32320.				

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Bradenton (City), Manatee County	Gulf of Mexico	2800 feet west from the center of intersection of Palma Sola Boulevard and Manatee Avenue.	*15
			300 feet west from the center of intersection of Palma Sola Boulevard and Manatee Avenue.	*14
			50 feet west from the center of intersection of Palma Sola Boulevard and Manatee Avenue.	*13
			900 feet west from the center of intersection of Flamingo Road and State Highway 64.	*12
			At the center of intersection of Flamingo Road and State Highway 64.	*11
			At the center of intersection of Point Pleasant Avenue and 18th Street West.	*8
Florida	City of Carrabelle, Franklin County	Gulf of Mexico St. George Sound	Mouth of Carrabelle River	*16
			Avenue F South	*14
			Avenue E South	*12
		Carrabelle River	Upstream of U.S. Highway 98	*11
			Downstream of U.S. Highway 98	*10
		Ponding Areas	At 8th Street East near D Avenue South	*20
			At 3rd Street East near A Avenue South	*13
			South of C Avenue North and east of 2nd St. West	*14
Florida	Unincorporated Areas of Franklin County	Apalachicola River	Just upstream of Apalachicola Northern Railroad	*11
		Ochlockonee River	Just upstream of the confluence of the Ochlockonee River and Crooked River.	*13
		Apalachicola Bay/East bay	Intersection of State Highway 384 and Apalachicola Northern Railroad.	*10
		Saint Georges Sound	Intersection of U.S. Highways 98, 319 (State Highway 30) and State Highway 379.	*12
			Intersection of Alternate State Highway 90 and U.S. Highways 98, 319 (State Highway 30).	*12
			Intersection of U.S Highways 98, 319 (State Highway 30) and State Road 91A.	*14
			Intersection of U.S. Highways 98, 319 (State Highway 30) and State Highway 376.	*14
		Gulf of Mexico	Just downstream of State Highway 377 (U.S. Highway 319) (Ochlockonee Bay).	*13
			Intersection of Alligator Point Road and Gulf Shore Boulevard.	*14
			Intersection of U.S. Highway 98 (State Highway 30) and Interstate Highway 370.	*14
Florida	Unincorporated areas of Gulf County	St. Joseph Bay	Along the shoreline of St. Joseph State Park	*8
			Along the shoreline of Port St. Joe	*10
			Along the shoreline of Beacon Hill	*10
		Gulf of Mexico	Along the shoreline of St. Joseph Point	*9
			Along the shoreline of Cape San Blas	*9
			Along the southern shoreline of the Indian Peninsula	*10
		Indian Lagoon	Along the north shoreline	*11
		Apalachicola River	At confluence of Brothers River	*13
			Approximately 3,000 feet downstream of confluence of Chipola River.	*21
Florida	Town of Mexico Beach, Bay County	Gulf of Mexico	Approximately 650 feet Seaward from intersection of 38th Street and Highway 98 along 38th Street.	*9
			Approximately 130 feet Seaward from intersection of 15th Street and Highway 98 along 15th Street.	*9
			Approximately 100 feet Seaward from intersection of 1st Street and Highway 98 along 1st Street.	*9
Florida	Palmetto (city), Manatee County	Gulf of Mexico	1,750 feet west from center of intersection of 14th Avenue West and 33rd Street West.	*12
			350 feet north from center of intersection of Mantego Drive and Terra Ceia Drive.	*11
			At the center of intersection of Terra Ceia Drive and Tampico Drive.	*10

Maps available for inspection at Planning Office, 500 15th Street, West, Bradenton, Florida.

Send comments to the Honorable Bill Evers, P.O. Box 730, Bradenton, Florida 33506.

Maps available for inspection at City Hall, Avenue B, South, Carrabelle, Florida 32322.

Send comments to Mayor Charles A. Millender, Sr., or Charles Daniels, City Clerk, City Hall, P.O. Drawer 569, Carrabelle, Florida 32322.

Maps available for inspection at Office of the Franklin County Commissioners, Franklin County Courthouse, Highway 98, Apalachicoloa, Florida 32320.

Send comments to Mr. Willis Collins, Jr., Chairman of Franklin County Commissioners, or Mr. Cecil Varnes, Vice Chairman, Franklin County Courthouse, P.O. Box 340, Apalachicola, Florida 32320.

Maps available for inspection at Office of the Circuit Court Clerk, Gulf County Courthouse, 1000 Fifth Street, Port St. Joe, Florida 32456.

Send comments to Mr. Jimmy O. Gortman, Chairman of Gulf County Commissioners, or Mr. Jerry Gates, Gulf County Circuit Court Clerk, County Courthouse, 1000 Fifth Street, Port St. Joe, Florida 32456.

Maps available for inspection at Town Hall, Fourteenth Street, Mexico Beach, Florida 32410.

Send comments to Major James T. Heathcock or Mr. Steve Rudloss, Town Administrator, Town Hall, P.O. Box 13425, Mexico Beach, Florida 32410.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			At the center of intersection of 27th Avenue Boulevard and 21st Street West.	*9
			At the center of intersection 7th Street West and 19th Avenue West.	*8
Maps available for inspection at Building Department, 516 8th Avenue West, Palmetto, Florida.				
Send comments to the Honorable Ken Burton, 516 8th Avenue West, Palmetto, Florida 33561.				
Florida	City of Port St. Joe, Gulf County	St. Joseph Bay	Along the shoreline	*10
Maps available for inspection at City Clerk's Office, City Hall, Fifth and Williams Streets, Port St. Joe, Florida 32456.				
Send comments to Mayor Frank Pate, Jr. or L. A. Farris, City Clerk, City Hall, Fifth and Williams Streets, Port St. Joe, Florida 32456.				
Georgia	Unincorporated areas of DeKalb County	Barbashela Creek	Just downstream from Redan Road	*838
			Approximately 150 feet upstream of Redan Road	*840
			Approximately 700 feet upstream from Main Street Park Drive.	*849
			Approximately 350 feet downstream from Rockbridge Road.	*881
		Barbashela Creek Tributary A	Approximately 550 feet upstream from Golf Cart Trail Bridge.	*830
			Approximately 70 feet downstream from Hidden Hills Parkway.	*889
		Blue Creek	Approximately 100 feet upstream from River Road	*773
			Just upstream from Dam and Bridge above River Road.	*776
		Burnt Fork Creek	Approximately 300 feet upstream from Druid Hills Road.	*911
			Approximately 500 feet upstream from Pangbron Road	*958
			Just upstream from Interstate Highway 285	*1012
		Camp Creek	Approximately 120 feet downstream from Antebellum Drive.	*967
			Approximately 140 feet upstream from Antebellum Drive.	*975
		Camp Creek Tributary A	Approximately 1,130 feet upstream from Seaboard Coast Line Railroad.	*952
		Clarks Creek	Just downstream from Hearn Road	*726
			Approximately 600 feet upstream from Lombard Road	*737
		Cobbs Creek	Just downstream from Rainbow Drive	*796
			Just upstream from Interstate Highway 20	*802
			Just upstream from Snapfinger Road	*853
			Approximately 90 feet upstream from Glenwood Drive	*870
			Approximately 380 feet upstream from Peachcrest Road.	*904
			Just downstream from Bobbie Lane	*937
		Conley Creek	Approximately 700 feet downstream from Ellingwood Road.	*770
			Approximately 250 feet upstream from Bouldercrest Road.	*777
			Just downstream from east Conley Creek Road	*807
		Corn Creek	Just downstream from Flakes Mill Road	*751
			Just upstream from Flakes Mill Road	*752
		Crooked Creek Tributary Stone Mountain.	Just upstream from South Deshon Road	*770
			Just downstream from Stephenson Road	*782
			Just upstream from Stephenson Road	*783
		Crooked Creek Tributary A	Just downstream from Mystery Valley-Golf Course Drive.	*839
			Approximately 125 feet upstream from Mystery Valley-Golf Course Drive.	*840
		Crooked Creek Tributary A-1	Just upstream from Kilgore Road	*854
			Approximately 100 feet downstream from Shadow Rock Drive.	*861
		Crooked Creek (South River)	Approximately 150 feet upstream from Browns Mill Road.	*690
			Just downstream from Berline Drive	*694
		Doless Creek	Just upstream from Interstate Highway 285	*783
		Doolittle Creek	Just downstream from Interstate Highway 285	*776
			Approximately 100 feet upstream from Flat Shoals Road.	*803
			Appoximately 150 feet upstream from Whites Mill Road.	*816
			Just upstream from Tilson Road	876
			Just upstream from Barberrie Avenue	*929
		Doolittle Creek Tributary "A"	Just upstream from Hermosa Drive	*805
		Doolittle Creek Tributary "B"	Just upstream from Dawn Drive	*870
		Fowler Branch	Approximately 300 feet upstream from Snapfinger Road.	*819
			Just upstream from Wedgefield Circle	*845
		Henderson Creek	Approximately 100 feet upstream from Henderson Creek Road.	*895
		Honey Creek	Just upstream from Hayden Quarry Road	*808
			Just upstream from Turner Road	*829
		Honey Creek Tributary "A"	Approximately 270 feet downstream from Rockland Road.	*777
		Indian Creek	Just upstream from Durham Park Road	*877
			Approximately 100 feet upstream from Dial Drive	*911
		Indian Creek Tributary "A"	Just upstream from Access Road	*901

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Intrenchment Creek	Approximately 300 feet downstream from Constitution Road.	*783
			Approximately 100 feet upstream from Key Road	*798
			Approximately 100 feet downstream from Custer Avenue.	*855
		Intrenchment Creek Tributary A	Approximately 310 feet upstream from Eastland Road	*864
			Just downstream from Sky Haven Road	*900
		Johnson Creek	Approximately 2200 feet upstream from Union Grove Road.	*721
		Little Stone Mountain Creek	Just downstream from Old Stone Mountain Road	*882
		Nancy Creek	Just upstream from Ashford Dunwoody Road	*872
			Just upstream from Shallow Ford Road	*929
			Just upstream from Cotillion Drive (Interstate Highway 285).	*941
			Just upstream from Amberly Drive	*974
		Nancy Creek, Tributary A	Just downstream from Peachford Road	*937
			Just downstream from Peeler Road	*951
		Nancy Creek, Tributary B	Just downstream from Plantation Lane	*938
		Nancy Creek, Tributary C	Approximately 130 feet upstream from Harts Mill Road	*874
		Nancy Creek, Tributary D	Approximately 70 feet downstream from Mill Creek Road.	*855
		North Fork Nancy Creek	Just downstream from Interstate Highway 285	*899
			Just upstream from Private Entrance	*910
		North Fork Peachtree Creek	Just upstream from Buford Highway	*626
			Approximately 150 feet downstream from Clairmont Road.	*854
			Just upstream from Shallowford Road	*882
			Just upstream from Chamblee-Tucker Road	*893
			Just upstream from Pleasantdale Road	*916
		North Fork Peachtree Creek, Tributary A.	Approximately 200 feet downstream from Buford Highway.	*851
			Just downstream from Dresden Drive	*883
		North Fork Peachtree Creek, Tributary B.	Just upstream from Capehart Circle	*881
			Just upstream from Plaster Road	*890
		North Fork Peachtree Creek, Tributary C.	Just upstream from Summitridge Drive	*914
		North Fork Peachtree Creek, Tributary D.	Approximately 100 feet downstream from Melinda Drive.	*865
		Panthers Branch	Just upstream from Snapfinger Road	*765
			Just upstream from Zinzendorf Drive	*769
			Just upstream from Thompson Mill Road	*809
			Just upstream from Interstate Highway 20	*844
		Peachtree Branch	Approximately 200 feet downstream from Henderson Mill Road.	*898
		Peavine Creek	Approximately 300 feet downstream from Oxford Road	*857
			Just upstream from North Decatur Road	*866
			Just upstream from Durand Falls Drive	*925
		Pole Bridge Creek	Just upstream from Browns Mill Road	*689
			Just upstream from Evans Mill Road	*736
			Just upstream from Hillandale Road	*798
			Just upstream from Marbut Road	*834
		Pole Bridge Creek, Tributary A	Approximately 100 feet upstream from Hillandale Road	*789
		Pole Bridge Creek Tributary B	Approximately 100 feet upatream from Covington Road.	*815
			Approximately 80 feet upstream from Marbut Road	*838
		Shoal Creek	Just upstream from Columbia Drive	*759
			Just upstream from Rainbow Drive	*799
			Just upstream from Ember Drive	*814
			Just upstream from Glenwood Drive	*883
			Just downstream from Memorial Drive	*902
		Snapfinger Creek	Just upstream from Snapfinger Road	*759
			Just upstream from Covington Road	*818
			Just downstream from Redan Road	*864
			Just downstream from Rays Road	*900
			Just downstream from Hemlock Drive	*927
			Just upstream from Memorial Drive	*945
		Snapfinger Creek Tributary A	Approximately 140 feet upstream from dam	*775
			Approximately 80 feet downstream from Harvest Hill Court	*805
		Snapfinger Creek Tributary B	Approximately 220 feet downstream from South Indian Creek Drive.	*867
		Snapfinger Creek Tributary C	Just upstream from Memorial Drive	*905
			Just upstream from Memorial College Avenue	*908
			Just upstream from Dunleith Court	*919
		South River	Just upstream from Bridge Road	*690
			Just upstream from McDonough Road	*705
			Just upstream from Flakes Mill Road	*737
			Just upstream from Waldrop Road	*753
			Just upstream from Panthersville Road	*760
			Just upstream from Boulder Crest Road	*772
			Just upstream from Moreland Avenue	*792
		South River Tributary A	Just upstream from Lehigh Boulevard	*815
		Stephenson Creek	Just upstream from Browns Mill Road	*697
			Just upstream from South Goddard Road	*701
		Stone Mountain Creek	Just upstream from Rock Chapel Road	*745
			Just upstream from North Deshon Road	*773
			Just upstream from Stewart Mill Road	*788

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 200 feet upstream from Stone Mountain Freeway (U.S. Highway 78) (State Road 10).	*850
			Just upstream from Silver Hill Road	*859
		Stone Mountain Creek Tributary A	Approximately 100 feet upstream from North Deshon Road.	*817
		Sugar Creek	Approximately 100 feet downstream from Clifton Church Road.	*774
			Approximately 200 feet upstream from Mary Lou Lane	*800
			Approximately 100 feet upstream from Fayetteville Road.	*901
		Snapfinger Creek Tributary D	Just upstream from Memorial Drive	*932
			Just upstream from Krueger Store Access Road	*940
			Just downstream from Abingdon Drive	*948
		Snapfinger Creek Tributary E	Approximately 100 feet downstream from Central Drive	*975
		South Fork Peachtree Creek	Just downstream from Old Briarcliff Road	*839
			Approximately 300 feet upstream from Old Clairmont Road.	*880
			Just upstream from Wilivee Drive	*901
			Just upstream from Stone Mountain Freeway	*915
			Just upstream from Idlewood Road	*998
			Just downstream from Elmdale Drive	*1049
		South Fork Peachtree Creek Tributary A.	Just upstream from Brockett Road	*979
			Approximately 100 feet downstream from Jerico Road	*995
		South Fork Peachtree Creek Tributary B.	Just upstream from Stone Mountain Freeway (U.S. Highway 87).	*995
			Just upstream from Franks Drive	*997
		South Fork Peachtree Creek Tributary C.	Just downstream from Access Road	*922
			Just upstream from Milscott Drive	*928
			Just upstream from Access Bridge	*941
		Sugar Creek Tributary A	Just upstream from Glenwood Avenue	*925
		Swift Creek	Just upstream from Georgia Railroad Spur	*761
			Approximately 200 feet downstream from Rogers Lake Road.	*807
		Swift Creek Tributary A	Approximately 140 feet downstream from Dam	*765
			Just upstream from Georgia Railroad Spur	*827
			Just downstream from Rogers Lake Road	*873
		Tom George Pine Mountain Creek	Just upstream from Dam	*751
			Just downstream from Lithonia Corporate Limits	*851
		Yellow River	Just downstream from Pleasant Hill Road	*720
			Approximately 700 feet downstream from County Line	*744

Maps available for inspection at Director of the County Development Department, Room 309, Calloway Building, Decatur, Georgia 30030.

Send comments to Mr. Manvel Maloof, Chairman, DeKalb County Commission, DeKalb County Courthouse, or Mr. M. Warren Director of the County Development Department or Mr. Bob Cowan, Senior Engineer, County Development Department, Room 309, Calloway Building, Decatur, Georgia 30030.

Illinois	(V) Joppa, Massac County	Ohio River	About 0.6 mile downstream of confluence of Bayou Creek.	*335
			About 0.2 mile upstream of confluence of Bayou Creek.	*336

Maps available for inspection at the Village Hall, Joppa, Illinois

Send comments to Honorable Harvey B. Parker III, Village President, Village of Joppa, Village Hall, Joppa, Illinois 62953.

Illinois	(V) Lake Zurich, Lake County	Buffalo Creek	At downstream of corporate limit	*803
			About 600 feet downstream of Sandalwood Court	*820
			About 1,000 feet upstream of Old Mill Grove Road	*823
		North Flint Creek	Just upstream of U.S. Route 12	*822
			Just downstream of Brairwood Road	*834
		Echo Lake	Within corporate limits	*844
		Lake Zurich	Within corporate limits	*844

Maps available for inspection at the Village Clerk's Office, Municipal Building, 61 West Main Street, Lake Zurich, Illinois.

Send comments to Honorable Henry J. Paulus, Village President, Village of Lake Zurich, Municipal Building, 61 West Main Street, Lake Zurich, Illinois 60047

Illinois	(Uninc.) Massac County	Ohio River	About 15.3 miles downstream of Interstate 24 (at downstream county boundary).	*334
			About 12.7 miles upstream of Interstate 24 (at upstream county boundary).	*341
		Massac Creek	Just upstream of U.S. Route 45	*338
			Just downstream of County Highway 13	*345
			Just downstream of Interstate 24	*369
			Just downstream of State Route 145	*404

Maps available for inspection at the County Clerk's Office, County Courthouse, Superman Square, Metropolis, Illinois.

Send comments to Honorable Paul Stratmeyer, Chairman of the County Board of Commissioners, Massac County, County Courthouse, Superman Square, Metropolis, Illinois 62960.

Illinois	(V) Olmsted, Pulaski County	Ohio River	At downstream corporate limit	*332
			At upstream corporate limit	*333

Maps available for inspection at the Village Hall, Olmsted, Illinois.

Send comments to Honorable James Burd, Village President, Village of Olmsted, Village Hall, P.O. Box 188, Olmsted, Illinois 62970.

Illinois	(V) Rockdale, Will County	Thorn Creek	About 100 feet downstream of Mound Road	*537
			At upstream corporate limit (Just downstream of Belleview Avenue).	*565

Maps available for inspection at the Clerk's Office, Municipal Building, Otis Avenue, Rockdale, Illinois.

Send comments to Honorable Donald Gould, Village President, Village of Rockdale, Municipal Building, Otis Avenue, Rockdale, Illinois 60436.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(Uninc.) Dubouque County	North Fork Maquoketa River	About 1.8 miles downstream of U.S. Highway 151	*813
			Just downstream of State Highway 136	*833
			About 2.2 miles downstream of U.S. Highway 20	*928
			Just upstream of City of Dyersville Corporate limits (upstream crossing).	*949
			About 0.2 mile downstream of State Highway 136 (in New Vienna.	*992
			About 2.5 miles upstream of State Highway 136 (in New Vienna).	*1,012
		North Fork Maquoketa River Tributary.	About 0.2 mile downstream of Oak Ridge Subdivision Road.	*957
			About 1.7 miles upstream of Oak Ridge Subdivision Road.	*997
		Hewitt Creek Tributary	Just upstream of City of Dyersville corporate limits	*964
			About 0.7 mile upstream of City of Dyersville corporate limits.	*980
		Hewitt Creek	Just upstream of City of Dyersville corporate limits	*954
			About 1.8 miles upstream of City of Dyersville corporate limits.	*973
		Mississippi River	South county boundary	*605
			North county boundary	*616
		Catfish Creek	At mouth	*610
			About 100 feet downstream of County Road (upstream of City of Dubuque).	*694
		Granger Creek	At mouth	*612
			About 3.2 miles upstream of U.S. Highway 52	*701
		South Fork Catfish Creek	About 0.6 mile upstream of mouth	*635
			Just downstream of English Milll Road	*707
			About 300 feet upstream of English Mill Road	*714
			About 0.3 mile upstream of U.S. Highway 20	*767
		Middle Fork Catfish Creek	About 0.5 mile downstream of County Road	*779
			About 0.3 mile upstream of County Road	*792
		Union Park Hollow	About 400 feet downstream of State Highway 386	*622
			About 100 feet upstream of State Highway 386	*635
			About 8000 feet upstream of State Highway 386	*759
		Couler Valley	At mouth	*622
			About 0.6 mile upstream of State Highway 386 (downstream of City of Dubuque).	*629
		Couler Valley Tributary	At mouth	*622
			About 0.3 mile upstream of mouth	*638
		Durion Creek	West county boundary	*896
			About 100 feet downstream of County Road	*927
		North Fork Little Maquoketa River	At mouth	*649
			Just downstream of U.S. Highway 52	*661
		North Fork Little Maquoketa River Tributary.	At mouth	*653
			Just downstream of County Road (about 1.8 miles upstream of mouth).	*721
			About 0.3 mile upstream of County Road (about 2.1 miles upstream of mouth).	*730
		Bloody Run Creek	At mouth	*622
			About 100 feet downstream of Mudd Lake Road	*633
		Little Maquoketa River	Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*614
			About 4.5 miles upstream of confluence of North Fork Little Maquoketa River.	*698
		Sherril Creek	At mouth	*646
			About 0.3 miles upstream of Glen Dalfa Road	*652
		Cloie Branch	At mouth	*636
			About 2.7 miles upstream of mouth	*696

Maps available for inspection at the County Zoning Office, Dubuque County Courthouse, Seventh and Central Streets, Dubuque, Iowa.

Send comments to Chairman of the County Board of Supervisors, Dubuque County, Dubuque County Courthouse, Seventh and Central Streets, Dubuque, Iowa 52001.

Iowa	(C) Grimes Polk County	Little Beaver Creek	About 2,430 feet downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*913
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*925
			About 100 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*934
			About 1,500 feet upstream of James Street	*935
		Little Beaver Creek Tributary	Mouth at Little Beaver Creek	*914
			Just downstream of First Street	*929
			Just upstream of Trail Ridge Road	*935
			Just downstream of Little Beaver Road	*936
			Just upstream of Little Beaver Road	*941
			About 350 feet upstream of Jacob Street	*950

Maps available for inspection at City Hall, 404 South Second Street, Grimes, Iowa.

Send comments to Honorable Ron Kramer, Mayor, City of Grimes, City Hall, 404 South Second Street, Grimes, Iowa 500111.

Iowa	(Uninc.) Story County	Skunk River	About 2.05 miles downstream of U.S. Highway 30 Bypass.	*872
			About 700 feet downstream of 13th Street	*890

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of State Highway 221	*958
			At upstream county boundary	*981
		Fourmile Creek	Just upstream of Northwest 166th Avenue	*1,005
			About 0.28 miles upstream of County Highway R38	*1,013
		Indian Creek	Downsteam county boundary	*855
			Just upstream of County Road (About 5.3 miles upstream of county boundary).	*879
		West Branch Indian Creek	Just downstream of County Road (About 5.05 miles downstream of City of Nevada corporate limit).	*914
			About 0.55 mile upstream of Chicago and Northwestern Railroad.	*967
		Walnut Creek	About 550 feet downstream of County Road	*889
			About 3830 feet upstream of U.S. Highway 69	*928
		Ballard Creek	About 500 feet downstream of Interstate 35	*878
			Just downstream of U.S. Highway 69	*947
			About 200 feet downstream of County Road (About 1.43 miles upstream of U.S. Highway 69).	*963
			About 200 feet upstream of County Road (About 1.49 miles upstream of U.S. Highway 69).	*988
		Wolfe Creek	About 0.65 mile downstream of U.S. Highway 30	*905
			About 250 feet downstream of County Road	*935
			About 450 feet upstream of County Road	*942
			Just downstream of County Highway R38	*978
			About 150 feet upstream of County Highway R38	*983
			At upstream county boundary	*1,018
		Onion Creek	Mouth at Squaw Creek	*907
			Just upstream of County Road (About 1.7 miles upstream of mouth).	*935
			About 650 feet of downstream of county boundary	*969
		Squaw Creek	Mouth at Skunk River	*883
			About 0.69 mile downstream of confluence of Onion Creek.	*906
			About 0.61 mile upstream of County Road (About 3.5 miles upstream of confluence of Onion Creek).	*919
		Bear Creek	About 600 feet downstream of Interstate 35	*932
			About 1.08 miles downstream of County Highway R77	*1,017
			About 600 feet upstream of County Highway E515	*1,037
		Long Dick Creek	Mouth at Skunk River	*960
			About 0.20 mile upstream of County Road	*994
		Rock Creek	At confluence with Indian Creek	*862
			About 1,000 feet downstream of County Highway E63	*879
			Just downstream of County Road (About 1.7 miles upstream of County Highway E63).	*906
		Rock Creek Tributary	About 900 feet upstream of mouth	*876
			About 0.94 mile upstream of mouth	*902
		Keigley Branch	Mouth at Skunk River	*926
			About 600 feet upstream of County Road	*942
		Lateral A	About 0.77 mile upstream of mouth	*887
			About 1.85 miles upstream of mouth	*927

Maps available for inspection at the Planning and Zoning Office, Story County Courthouse, Nevada, Iowa.

Send comments to Honorable Donald E. Nelson, Chairman of the County Board of Supervisors, Story County, Story County Courthouse, Nevada, Iowa 50201.

Maine	Ogunquit, village York County	Josias River	At confluence with basin	*9
			Downstream of U.S. Route 1	*27
			Upstream corporate limits	*34
		Ogunquit River	At Beach Street	*9
			Upstream of U.S. Route 1	*35
			At confluence of Ogunquit River Tributary	*62
			Upstream of North Village Road	*87
		Ogunquit River Tributary	At confluence with Ogunquit River	*62
			Downstream of Maine Turnpike	*71
		Atlantic Ocean	At southern corporate limits	*23
			At Jacks Cove	*13
			At Perkins Cove	*15
			At Oarweed Cove	*14
			At northern corporate limits	*14

Maps available for inspection at the Village Hall, School Street, Ogunquit, Maine.

Send comments to Honorable Bradford Sterl, Chairman of the Ogunquit Board of Selectmen, School Street, Ogunquit, Maine 03907.

Maine	Wells, town, York County	Blacksmith Brook	Confluence with Webhannet River	*9
			Upstream of U.S. Route 1	*44
			Approximately 1,050' upstream of U.S. Route 1	*63
		Depot Brook	Confluence with Webhannet River	*9
			Upstream of Concrete Dam	*38
			Approximately 2,600' upstream of U.S. Route 1	*77
		Webhannet River	Confluence with Atlantic Ocean	*9
			Upstream of Waterfall	*31
			Approximately 2,700' above U.S. Route 1	*60
		Green Brook	Confluence with Ogunquit River	*90
			Approximately 80' downstream of Hiltons Lane	*104
		Tributary 1 to Green Brook	Confluecne with Green Brook	*103
			Approximately 1,400' upstream of Hiltons Lane	*115
		Little River	Entire length within corporate limits	*9
		Merriland River	Confluence with Little River	*9
			Upstream Boston and Maine Railroad	*24
			Upstream Old Farm Road	*130

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Downstream Quary Road	*168
		Ogunquit River	Downstream corporate limits	*9
			Upstream of U.S. Route 1	*35
			Upstream Maine Turnpike Southbound	*70
			Confluence with Green Brook	*90
		Stevens Brook	Confluence with Ogunquit River	*9
			Upstream U.S. Route 1	*31
			Approximately 3,600' above U.S. Route 1	*61
		West Brook	Approximately 3,100' downstream of Bragdon Road	*132
			Upstream of downstream crossing of Bragdon Road	*158
			Approximately 2,600' upstream of upstream crossing of Bragdon Road.	*161
		South Branch of West Brook	From confluence with West Brook to a point approximately 2,400' upstream of confluence with West Brook.	*158
		Atlantic Ocean	At northern corporate limits	*14
			At Drakes Island Road extended	*17
			At Mile Road extended	*16
			At Eldridge Road extended	*18
			At southern corporate limits	*12

Maps available for inspection at the Municipal Building, Wells, Maine.

Send comments to Honorable Fred T. Breslin, Town Manager of Wells, Municipal Building, Wells, Maine 04090.

Massachusetts	Westford, town, Middlesex County	Stony Brook	Downstream corporate limits	*143
			Upstream of Depot Road	*167
			Downstream of Town Farm Road	*191
			Upstream of Murray Printing Company Dam	*208
		Beaver Brook	Confluence with Forge Pond	*208
			Upstream corporate limits	*209
		Boutwell Brook	Confluence with Stony Brook	*189
			Upstream of Hartford Road	*207
		Tadmuck Brook	Confluecne with Stony Brook	*160
			Upstream of Main Street	*200
			Upstream of Providence Road	*228
		Butter Brook	Downstream corporate limits	*175
			Upstream of Carlisle Road	*201
			Upstrem of Griffin Road	*210
		Tradmuck Swamp Brook	Downstream corporate limits	*497
			Approximately 3,300' upstream from Interstate 495	*201
		Forge Pond	Entire shoreline within community	*208

Maps available for inspection at the Selectmen's Office, Town Hall, 55 Main Street, Westford, Massachusetts.

Send comments to Honorable Richard Emmet, Chairman of the Westford Board of Selectmen, Twon Hall, 55 Main Street, Westford, Massachusetts 01886.

Michigan	(Twp.) Carrollton, Saginaw County	Saginaw River	About 1.2 miles downstream of Sixth Avenue	*589
			About 0.95 miles upstream of Sixth Avenue	*590
		Shallow Flooding (Overflow from Saginaw River and Universal Drain).	At intersection of Titabawassee Road and Venoy Road.	*587
			At intersection Schust Road and Mapleridge Street	*588
			At intersection of Hickory Street and Gladstone Street	*588
			Area About 1,200 feet west of the intersection of Church Street and Michigan Avenue.	*589

Maps available for inspection at the Town Hall, 1645 Mapleridge Road, Saginaw, Michigan.

Send comments to Honorable Raymond Kostrzewa, Township Supervisor, township of Carrollton, Town Hall, 1645 Mapleridge Road, Saginaw, Michigan 48604.

Michigan	(V) St. Charles, Saginaw County	Bad River	Just upstream of Conrail	*594
			About 2.0 miles upstream of Conrail	*595
		South Branch Bad River	Within corporate limits	*594
		Shiawassee Flats	Within corporate limits	*594

Maps available for inspection at City Hall, 110 West Spruce, St. Charles, Michigan.

Send comments to Honorable Joyce Depre, Village President, Village of St. Charles, City Hall, 110 West Spruce, St. Charles, Michigan 48655-1299.

Missouri	(Uninc.) Boone County	Missouri River	At downstream county boundary	*562
			About 1.4 miles downstream of confluence of Little Bonne Femme Creek.	*576
			About 1.6 miles upstream of Interstate 70	*594
		Bear Creek	At mouth of Rocky Fork Creek	*603
			About 680 feet downstream of Oakland Road (near City of Columbia).	*707
			Just upstream of Oakland Road (near Farm Road)	*733
			About 1.8 miles upstream of Oakland Road (upstream crossing).	*775
		Clear Creek	About 2,300 feet upstream of State Highway 163	*630
			Just upstream of Rock Quarry Road	*678
			Just downstream of Woodhaven Childrens Home Road.	*727
			Just upstream of Woodhaven Childrens Home Road	*732
			At City at Columbia corporate limits	*741
		Callahan Creek	At mouth at Perche Creek	*596
			Just upstream of County Road (7.0 miles from mouth)	*619
		Gans Creek	About 1.24 miles downstream of County Road (downstream crossing).	*699
			Just upstream of Country Road (downstream crossing)	*730
			About 250 feet downstream of U.S. Highway 63	*746

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Harmony Creek	At mouth at Perche Creek	*592
			About 2,900 feet upstream of County Highway ZZ	*600
		Hinkson Creek	At mouth at Perche Creek	*584
			About 2,000 feet upstream of thrid Missouri Kansas Texas Railroad crossing (abandoned).	*596
			About 1.05 miles downstream of confluence of Nelson Creek.	*710
			About 1.24 miles upstream of Nelson Creek Road	*741
		Little Bonne Femme Creek	About 3.0 miles upstream of mouth at Missouri River	*579
			About 0.5 mile upstream of Hillcreek Road	*602
		Little Bonne Femme Tributary No. 1.	At confluence of unnamed tributary	*590
			About 1.25 miles upstream of County Highway K	*630
		Little Bonne Femme Tributary No. 2.	At mouth	*595
			About 1,200 feet upstream of County Highway K	*646
		Little Bonne Femme Tributary No. 3.	At mouth	*594
			About 2,940 feet upstream of County Highway K	*631
		Turkey Creek	About 1.66 miles downstream of U.S. Highway 63	*740
			About 400 feet downstream of U.S. Highway 63	*787
		Mill Creek	At mouth at Hinkson Creek	*584
			Just upstream of County Highway KK	*603
			At City at Columbia corporate limits	*620
		Perche Creek	Just downstream of Missouri Kansas Texas Railroad (abandoned).	*584
			Just upstream of Interstate 70	*594
			Just downstream of County Highway E	*600
		Nelson Creek	At mouth at Hinkson Creek	*723
			Just upstream of County Road (1,500 feet upstream of mouth).	*727
			Just upstream of County Highway PP	*783
			About 2.05 miles upstream of County Highway PP	*845
		Rocky Fork Creek	At mouth at Perche Creek	*599
			Just downstream of County Highway VV	*636
			Just upstream of County Highway VV	*644
			About 4,300 feet upstream of County Highway VV	*645
		Cow Branch	At mouth at Bear Creek	*604
			Just upstream of Creasy Spring Road	*642
			Just downstream of U.S. Highway 63	*716
		Meridith Branch	Just upstream of County Highway TT	*584
			About 1,900 feet upstream of County Highway TT	*596
		Sugar Branch	At mouth at Perche Creek	*585
			Just upstream of Wehmeyer Road	*603
			About 300 feet downstream of Interstate 70	*685
		Midway Branch	At mouth at Callahan Creek	*596
			Just upstream of County Road (near mouth)	*603
			Just upstream of Main Street	*652
			About 0.6 mile upstream of Main Street	*709
		Goodin Branch	At mouth at Meredith Branch	*584
			Just downstream of Georgetown Road	*604
			About 450 feet upstream of County Road	*627
		Henderson Branch	At mouth at Perche Creek	*591
			About 0.42 mile upstream of County Highway UU	*601
			About 3,600 feet upstream of County Highway UU	*620
		Sugar Branch Tributary	At mouth at Sugar Branch	*586
			About 800 feet upstream of County Highway UU	*590
			About 3,200 feet upstream of County Highway UU	*618

Maps available for inspection at the Boone County Planning Department, City County Building, Seventh & Broadway, Columbia, Missouri.

Send comments to Honorable William Frech, Presiding Judge, Boone County, City County Building, Seventh & Broadway, Columbia, Missouri 65201.

Missouri	(C) Carthage, Jasper County	Spring River	About 700 feet downstream of Francis Street	*938
			About 3,000 feet upstream of State Highway 96	*947
		City Branch	Just upstream of Mound Street	*947
			About 100 feet downstream of Olive Street	*949
			Just upstream of Olive Street	*955
			About 100 feet downstream of Oak Street	*955
			Just upstream of Oak Street	*960
			Just upstream of Francis Street	*973
			Just downstream of Missouri Pacific Railway	*992
			Just upstream of Missouri Pacific Railway	*998
			About 420 feet upstream of Missouri Pacific Railway	*999
		Carter Branch	Mouth at Mill Race	*943
			Just upstream of State Highway 96	*949
			Just upstream of Central Avenue	*955
			Just upstream of Chestnut Street	*973
			Just downstream of 13th Street	*993

Maps available for inspection at 214 South Garrison, Carthage, Missouri.

Send comments to Honorable Kent Neil, Major, City of Carthage, Jasper County Courthouse, Room 5, Carthage, Missouri 64836.

Missouri	(C) Fulton, Callaway County	Stinson Creek	About 1,800 feet downstream of confluence of Smith Branch.	*692
			Just upstream of Nichols Street	*727
			About 1,000 feet upstream of U.S. Highway 54	*770
		Smith Branch	At mouth at Stinson Creek	*696
			Just downstream of County Highway O	*721
			Just upstream of County Highway O	*732

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Vine Street	*793
			About 0.7 mile upstream of Westminster Avenue	*820
		Whitlow Branch	At mouth at Stinson Creek	*712
			Just downstream of Mokane Road	*724
			Just upstream of Mokane Road	*730
			About 900 feet upstream of East Reed Street	*794
		Westminster Branch	At mouth at Stinson Creek	*735
			About 1,200 feet upstream of West 7th Street (upstream crossing).	*782
		Big Hollow Creek	About 700 feet downstream of Cote Sans Dessien Road.	*780
			About 250 feet downstream of U.S. Highway 54 (near corporate limits).	*792
			Just upstream of U.S. Highway 54 (near corporate limits).	*799
			At upstream corporate limits	*801

Maps available for inspection at the City Hall, Fourth & Market Streets, Fulton, Missouri.

Send comments to Honorable George Oestreich, Mayor, City of Fulton, City Hall, Fourth & Market Streets, P.O. Box 142, Fulton, Missouri 65251.

Missouri	(Unincorporated), Greene County	James River	About 2.5 miles downstream of County Road 141	*1,104
			Just downstream of James River Dam	*1,141
			About 0.2 mile upstream of James River Dam	*1,151
			About 0.1 mile upstream of County Road 148	*1,186
			About 1.4 miles upstream of County Road 134	*1,240
		Sac River	About 0.4 mile downstream of U.S. Highway 160	*961
			About 0.6 mile downstream of County Road 80	*976
			About 0.04 mile upstream of County Road 80	*984
		Little Sac River	Just upstream of State Highway 13	*1,086
			Just downstream of McDaniel Dam	*1,096
			Just upstream of McDaniel Dam	*1,127
			About 0.25 mile upstream of County Road 175	*1,178
			Just upstream of Fellows Dam	*1,263
			Just downstream of County Road 197	*1,263
			Just upstream of County Road 197	*1,271
			About 0.1 mile upstream of U.S. Highway 65	*1,279
		Pomme De Terre River	About 200 feet downstream of County Road 225	*1,106
			About 800 feet upstream of County Road 239	*1,128
		Little Pomme De Terre River	Just upstream of County Highway CC	*1,125
			About 0.75 mile upstream of Old U.S. Highway 65	*1,163
		Wilsons Creek	About 0.25 mile downstream of County Road 182	*1,116
			About 0.8 mile upstream of State Highway 13	*1,210
		South Creek	At mouth	*1,148
			About 200 feet upstream of County Highway FF	*1,162
			Just upstream of County Road 160	*1,180
			At City of Springfield corporate limits	*1,208
		Lindsey Creek	At mouth	*1,212
			Just upstream of East Miller Road	*1,232
		East Fork Pickerel Creek	About 1,700 feet upstream of County Road 57	*1,206
			Just upstream of State Highway 174	*1,272
			Just downstream of County Road 67	*1,283
		Evergreen Creek	About 0.12 mile downstream of County Road 170	*1,214
			At City of Republic corporate limits	*1,249
		Hamilton Creek	about 0.19 mile downstream of County Road 17	*980
			At City of Ash Grove corporate limits	*1,008
		Shuyler Creek	About 0.6 mile downstream of confluence of Lindsey Creek.	*1,189
			About 0.57 mile upstream of South Lynn Avenue	*1,262
		North Fork Shuyler Creek	About 320 feet downstream of County Road 97	*1,196
			Just upstream of County Road 97	*1,204
			About 700 feet upstream of County Road 178	*1,244
		Pierson Creek	At mouth	*1,172
			Just upstream of County Road 136	*1,229
			Just downstream of County Road 213	*1,313
		South Branch	At mouth	*1,169
			Just upstream of County Road 135	*1,219
		Ward Branch	At mouth	*1,113
			About 0.88 mile upstream of U.S. Highway 160	*1,212
		Dry Branch (near Ash Grove)	Just upstream of Cove	*993
			About 200 feet upstream of County Highway F	*1,020
			About 100 feet upstream of St. Louis-San Francisco Railway.	*1,041
		Dry Branch (near Republic)	About 2,300 feet downstream of City of Republic corporate limits.	*1,236
			At City of Republic corporate limits	*1,254
			About 340 feet downstream of State Highway 174	*1,295
		West Fork Dry Branch	About 3,400 feet downstream of County Highway 174	*1,226
			Just upstream of County Highway 178	*1,263
			At City of Republic corporate limits	*1,272
		Mt. Pleasant Branch	Just upstream of County Road 85	*1,088
			About 660 feet upstream of County Road 95	*1,187
		North Fork Mt. Pleasant Branch	At mouth	*1,088
			Just downstream of U.S. Highway 160	*1,156
			Just downstream of St. Louis-San Francisco Railway	*1,168
		East Fork Mt. Pleasant Branch	At mouth	*1,120
			About 0.3 mile upstream of County Road 76 (near City of Willard corporate limits).	*1,185

Maps available for inspection at the Greene County Planning and Zoning Office, 833 Boonville, Springfield, Missouri.

Send comments to Honorable H. C. Compton, Presiding Judge, Greene County, Greene County Courthouse, 940 Boonville, Springfield, Missouri 65802.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Avon-by-the-Sea, borough, Monmouth County	Atlantic Ocean	Entire Atlantic Ocean shoreline within community	*13
		Shark River	Entire Shark River shoreline within community	*10
Maps available for inspection at the Municipal Building, 301 Main Street, Avon-by-the-Sea, New Jersey.				
Send comments to Honorable Robert F. McDevitt, Mayor of Avon-by-the-Sea, 301 Main Street, Avon-by-the-Sea, New Jersey 07717.				
New Jersey	Bradley Beach, borough, Monmouth County	Atlantic Ocean	Entire shoreline within community	*13
		Fletcher Lake	Entire shoreline within community	*10
Maps available for inspection at the Municipal Building, 701 Main Street, Bradley Beach, New Jersey.				
Send comments to Honorable Leonard W. Riley, Mayor of Bradley Beach, 701 Main Street, Bradley Beach, New Jersey 07720.				
New Jersey	Jefferson, township, Morris County	Rockaway River	Most downstream corporae limits	*662
			Warton and Northern Railroad (upstream side)	*687
			Upstream of most downstream crossing of Berkshire Valley Road.	*693
			Upstream second crossing Berkshire Valley Road	*707
			Approximately 4,500' downstream of Longwood Lake Dam.	*716
			Upstream Longwood Lake Dam	*742
			Upstream Longwood Lake Road	*744
			Confluence of Tributary No. 5 to Rockaway River	*752
			Upstream Lake Swannanoa Dam	*770
			Approximately 3,000' downstream of Dover-Milton Road.	*777
			Upstream Dover-Milton Road	*807
			Upstream of downstream crossing of Russia Road	*843
			Upstream second crossing Russia Road	*860
		Tributary No. 5 to Rockaway River	Confluence with Rockaway River	*752
			Old Mill Dam	*770
			Upstream Cozy Lake Dam	*781
			Approximately 1,900' upstream of Laurel Drive	*787
		Tributary No. S-1 to Rockaway River.	Upstream Brookside Drive	*775
			Patterson Drive	*801
			Upstream end of Moosepac Pond	*806
		Tributary No. 6 to Rockaway River	Upstream Carib Trail	*778
			upstream of Private Drive	*789
			Upstream of Milton Road	*805
		Tributary No. 7 to Rockaway River	Confluence with Rockaway River	*882
			Upstream Fire Lookout Road	*839
			Spillway (upstream side)	*868
			Downstream Private Drive (upstream side)	*906
			Upstream Weldon Road	*930
		Pequanock River	Downstream corporate limits	*753
			Upstream side second crossing State Route 23	*769
			Upstream side Cozy Lake Road	*782
			Upsteam side Davenport Road	*787
			Oak Ridge Reservoir Dam (upstream side)	*846
		Weldon Brook	Confluence with Lake Hopatcong	*926
			State Route 15 Northbound	*926
			East Shawnee Trail (upstream side)	*940
		Tributary No. 2 to Lake Hopatcong	Township Route 181	*926
			Lorretacong Drive (upstream side)	*935
		Lake Hopatcong	Entire shoreline in community	*926
		Tributary No. 1 to Lake Hopatcong	Downstream of Espanong Road culvert	*926
maps available for inspection at the Municipal Building, Weldon Road, Lake Hopatcong, New Jersey.				
Send commerits to Honorable Horace Chamberlain, Jr., Mayor of Jefferson Township, Municipal Building, Weldon Road, Lake Hopatcong, New Jersey 07849.				
New Jersey	Plainfield, city, Union County	Green Brook	At Jefferson Avenue	*52
			Clinton Avenue (downstream side)	*62
			Approximately 50' upstream of Gerald Avenue	*75
			Approximately 65' upstream of Westervelt Avenue	*99
			Leland Avenue (upstream side)	*123
			At upstream corporate limits	*136
		Cedar Brook	At downstream corporate limits	*72
			Steele Avenue (upstream side)	*82
Maps available for inspection at the Office of the City Engineer, Municipal Building, 515 Watchung Avenue, Plainfield, New Jersey.				
Send comments to Honorable Everett Lattimore, Mayor of Plainfield, 515 Watchung Avenue, Plainfield, New Jersey 07060.				
New Jersey	Port Republic, city, Atlantic County	Atlantic Ocean	Shorelines of the Mullica River, Nacote Creek and Mattix Run.	*9
		Clarks Mill Stream	Mill Street (upstream side)	*11
			Upstream of concrete piping just upstream of Indian Cabin Road.	*16
		Morses Mill Stream	Riverside Drive (downstream side)	*11
			Corporate limits	*14
Maps available for inspection at the City Hall, 143 Main Street, Port Republic, New Jersey.				
Send comments to Honorable Joseph Courter, Mayor of Port Republic, 143 Main Street, Port Republic, New Jersey 08241.				
New Jersey	Ridgewood, village, Bergen County	Saddle River	Downstream corporate limits	*57
			Upstream Grove Street	*61

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream East Ridgewood Avenue	*69
			Upstream Linwood Avenue	*78
			Upstream State Route 17	*83
			First upstream corporate limits	*90
		Hohokus Brook	Confluence with Saddle River	*57
			Upstream Grove Street	*66
			Upstream East Ridgewood Avenue	*78
			Upstream Linwood Avenue	*83
			Upstream East Glen Avenue	*94
			First upstream corporate limits	*112
			Second upstream corporate limits	*149
			Upstream of First Dam	*187
			Upstream of Second Weir	*205
			Most upstream corporate limits	*209
		Goffle Brook	Downstream corporate limits	*135
			Upstream of Dam	*161
			Upstream corporate limits	*170

Maps available for inspection at the Municipal Building, 131 North Maple Avenue, Ridgewood, New Jersey.

Send comments to Honorable Edward Butler, Mayor of Ridgewood, 131 North Maple Avenue, Ridgewood, New Jersey 07451.

New York	Bethlehem, town, Albany County	Hudson River	Downstream corporate limits	*18
			Upstream corporate limits	*20
		Krum Kill	Confluence with Normans Kill	*115
			Upstream of State Route 85	*142
			Upstream of New York State Thruway	*158
			Upstream corporate limits	*167
		Normans Kill	Approximately 2 miles downstream of New Scotland Road.	*110
			Upstream corporate limits	*120
		Onesquethaw Creek	At State Route 396	*118
			Downstream of South Albany Road	*147
			Downstream of Abandoned Railroad	*181
		Vloman Kill	Downstream of U.S. Route 9W	*118
			Upstream of Elm Avenue	*123

Maps available for inspection at the Town Hall, 445 Delaware Avenue, Delmar, New York.

Send comments to Honorable Thomas Corrigan, Supervisor of Bethlehem, 445 Delaware Avenue, Delmar, New York 12054.

New York	Clayville, village, Oneida County	Sauquoit Creek	Downstream corporate limits	*930
			Upstream of Conrail/Main Street culvert	*962
			Upstream of downstream dam	*976
			Upstream of Oneida Street (upstream crossing)	*1,005
			Upstream of dam (3rd crossing)	*1,023
			Upstream corporate limits	*1,050

Maps available for inspection at the Village Hall, 2 Wiremill Place, Clayville, New York.

Send comments to Honorable Donald Moore, Mayor of Clayville, 2 Wiremill Place, Clayville, New York 13322.

New York	Ellenville, village, Ulster County	Sandburg Creek	Downstream corporate limits	*300
			Upstream Canal Street	*315
			Upstream corporate limits	*327

Maps available for inspection at the Village Hall, 81 North Main Street, Ellenville, New York.

Send comments to Honorable Rivan Krieger, Mayor of Ellenville, 81 North Main Street, Ellenville, New York 12428.

New York	Great Neck Estates, village, Nassau County	Little Neck Bay	Shoreline at southwestern corporate limits	*15
			Shoreline southwest of intersection of Cedar Drive and Shore Drive.	*13
			At Crystal Drive extended	*13

Maps available for inspection at the Village Hall, Four Atwater Road, Great Neck Estates, New York.

Send comments to Honorable Murray Seeman, Mayor of Great Neck Estates, Four Atwater Road, Great Neck Estates, New York 11021.

New York	Kings Point, village, Nassau County	Little Neck Bay	At Beach Lane extended	*13
		Long Island South	At Steamboat Road extended	*17
			At Ballantine Lane	*13
			At Hewlett Point	*17
		Manhasset Bay	At Dock Lane extended	*17
			At Shore Drive extended	*18
			At Turtle Cove Lane extended	*17
			At Harbor Way extended	*16

Maps available for inspection at the Village Hall, 32 Steppingstone Lane, Kings Point, New York.

Send comments to Honorable Leonard Wegman, Mayor of Kings Point, 32 Steppingstone Lane, Kings Point, New York 11024.

New York	New Hartford, village, Oneida County	Sauquoit Creek	Downstream corporate limits	*526
			Approximately 100' upstream	*534
			Upstream corporate limits	*548

Maps available for inspection at the Village Hall, 48 Genesee Street, New Hartford, New York.

Send comments to Honorable John J. Kazanjian, Mayor of New Hartford, 48 Genesee Street, New Hartford, New York 13413.

New York	Plandome Manor, village, Nassau County	Manhasset Bay	Shoreline at Heritage Way (extended)	*17
			Shoreline west of Estates Drive	*14
			Southern shoreline of Leads Pond	*16

Maps available for inspection at the residence of the Village Clerk, One Gulls Cove Road, Plandome Manor, New York.

Send comments to Honorable Arthur Schiller, Mayor of Plandome Manor, One Gulls Cove Road, Plandome Manor, New York 11030.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Port Washington North, Village, Nassau County	Manhasset Bay	Entire shoreline within community	*13
Maps available for inspection at the Village Hall, 1 Soundview Drive, Port Washington, New York.				
Send comments to Honorable Thomas J. Pellegrino, Mayor of Port Washington North, One Soundview Drive, Port Washington, New York 11050.				
New York	Sands Point, village, Nassau County	Manhasset Bay	Shoreline at Cedar Lane (extended)	*13
		Long Island Sound	Shoreline at West Creek Farms Road (extended)	*17
			Shoreline west of Halfmoon Lane	*13
			Shoreline at Mott Point	*19
			Shoreline at Prospect Point	*19
Maps available for inspection at the Village Hall, Tibbetts Lane, Sands Point, New York.				
Send comments to Honorable Roy C. Olsen, Mayor of Sands Point, P.O. Box 188, Port Washington, New York 11050.				
Ohio	(V) Coal Grove, Lawrence County	Ohio River	At confluence of Ice Creek	*547
			About 0.63 mile upstream of Ashland-Coal Grove Highway.	*548
Maps available for inspection at the Mayor's Office, Village Hall, 513 Cemetery Lane, Coal Grove, Ohio.				
Send comments to Honorable Tom McKnight, Mayor, Village of Coal Grove, Village Hall, 513 Cemetery Lane, Coal Grove, Ohio 45638.				
Ohio	(C) Columbus, Franklin and Fairfield Counties	Scioto River	About 3.5 miles downstream of Interstate 270	*697
			Just upstream of Interstate 670	*736
			Just downstream of Julian Griggs Dam	*751
			Just upstream of Julian Griggs Dam	*769
			About .8 miles upstream of confluence of Cramer Ditch.	*776
		Scioto River Divided Flow Reach	At confluence with Scioto River	*700
			At divergence with Scioto River	*708
		Scioto-Olentangy Overland Flow	Just downstream of Chessie System	*723
			About 200 feet downstream of Edgehill Road	*726
		Olentangy River	At mouth	*721
			Just upstream of Henderson Road	*739
			About 0.8 mile upstream of Interstate 270	*761
		Alum Creek	At mouth	*728
			Just upstream of Morse Road	*780
			Just downstream of Interstate 270	*797
		Big Walnut Creek	About 7.6 miles downstream of confluence of Alum Creek.	*710
			Just upstream of Williams Road	*729
			Just upstream of Interstate 70	*760
			Just upstream of dam, about 0.4 mile upstream of Morse Road.	*815
			About 1.2 miles upstream of State Route 161	*829
		Georges Creek	About 1.47 miles downstream of Wright Road	*760
			Just downstream of Gender Road	*777
			About 0.4 mile upstream of Long Road	*800
		South Fork Georges Creek	Just upstream of Lehman Road	*764
			Just downstream of Wright Road	*784
		Tributary I	About 2,500 feet upstream of mouth	*770
			Just upstream of Conrail	*781
		Tributary E	At Mouth	*882
			About 4,900 feet upstream of mouth	*894
		Rocky Fork	About 1.25 miles downstream of Dublin Granville Road	*945
			About 0.75 mile upstream of Dublin Granville Road	*959
		Clover Groff Ditch	Just upstream of Conrail	*923
			Just upstream of Roberts Road	*936
			About 1.05 miles upstream of Roberts Road	*938
		Hamilton Ditch	Just downstream of Private Drive	*937
			About 500 feet upstream of Private Drive	*937
		Briggsdale Run	About 0.55 mile downstream of U.S. Rout 62	*740
			About 160 feet upstream of Woodbrook Lane	*757
			About 0.2 mile upstream of Clarendon Avenue	*765
		Hayden Run	At mouth	*772
			Just downstream of Falls	*776
			Just upstream of Falls	*807
			Just upstream of Hayden Run Road	*850
		Marsh Run	At mouth	*706
			About 200 feet upstream of Interstate 71	*711
			About 0.5 mile upstream of Interstate 71	*719
		Mason Run	Just upstream of Interstate 270	*740
			Just downstream of Refugee Road	*744
			Just upstream of Refugee Road	*751
			Just upstream of Main Street	*782
		Scioto Big Run	Just upstream of Interstate 270	*700
			Just downstream of Ganz Road	*727
			Just upstream of Chessie System	*752
			Just downstream of Clairbrook Avenue	*883
			Just upstream of Clairbrook Avenue	*892
			Just downstream of Sullivant Avenue	*902
			Just upstream of Sullivant Avenue	*907
		Hellbranch Run	About 0.4 mile downstream of Norton Road	*866
		Hellbranch Run (cont'd)	Just upstream of Alkire Road	*889
Maps available for inspection at the Department of Development, City Hall, 90 West Broad Street, Columbus, Ohio.				
Send comments to Honorable Tom Moody, Mayor, City of Columbus, City Hall, 90 West Broad Street, Columbus, Ohio 43215.				

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(V) Crown City, Gallia County	Ohio River	Within the community	*560
Maps available for inspection at the Mayor's Office, Village Hall, Charles Street, Crown City, Ohio. Send comments to Honorable Charles Burgess, Mayor, Village of Crown City, Village Hall, Charles Street, Crown City, Ohio 45632.				
Ohio	(Uninc.) Franklin County	Scioto River	At downstream county boundary	*692
			Just downstream of Julian Griggs Dam	*751
			Just upstream of Julian Griggs Dam	*769
			Just upstream of State Route 161	*777
			At upstream county boundary	*795
		Olentangy River	About 0.9 mile downstream of Stadium Drive	*724
			Just downstream of Lane Avenue	*727
			About 0.06 mile downstream of Bethel Road	*741
			About 1.1 miles upstream of Bethel Road	*746
			About 0.1 mile upstream of Interstate 270	*759
			At upstream county boundary	*765
		Alum Creek	Mouth at Big Walnut Creek	*728
			Just upstream of Williams Road	*729
			Just upstream of U.S. Route 62	*760
			About 0.07 mile upstream of Sunbury Road	*764
			Just downstream of Morse Road	*779
			About 0.17 mile upstream of State Route 161	*788
			About 0.37 mile upstream of State Route 3	*794
			About 0.42 mile upstream of Schrock Road	*803
			About 1.3 miles upstream of Park Road	*814
		Georges Creek	Mouth at Little Walnut Creek	*740
			Just upstream of Chessie System	*752
			Just upstream of U.S. Highway 33	*755
			About 2.2 miles upstream of U.S. Highway 33	*769
			Just upstream of Long Road	*795
			At upstream county boundary	*808
		South Fork of Georges Creek	Mouth at Georges Creek	*758
			Just upstream of Lehman Road	*764
			Just upstream of Wright Road	*787
			At upstream county boundary	*794
		Big Walnut Creek	About 0.45 mile downstream of U.S. Route 23	*692
			Just upstream of Reese Road	*719
			About 0.5 mile upstream of Refugee Road	*749
			About 1.15 miles downstream of State Road 161	*817
			Just upstream of State Road 161	*823
			Just downstream of Hoover Dam	*835
		Little Walnut Creek	About 0.73 mile upstream of Hayes Road	*726
			About 1.71 miles upstream of Hayes Road	*731
			Just downstream of confluence of Big Run	*735
			About 1.32 miles upstream of confluence of Tussing Ditch.	*747
		Tributary A	About 200 feet upstream of mouth	* 1,074
			About 0.23 mile upstream of Evans Road	* 1,107
		Tributary B	About 100 feet upstream of mouth	* 1,054
			Just upstream of Babbitt Road	* 1,072
			About 0.34 mile upstream of Babbitt Road	* 1,076
		Tributary B-1	About 100 feet upstream of mouth	* 989
			About 0.6 mile upstream of mouth	* 1,018
		Tributary C	About 200 feet upstream of mouth	* 942
			About 0.7 mile upstream of mouth	* 985
		Tributary F	About 0.76 mile upstream of mouth	* 891
			About 0.95 mile upstream of mouth	* 898
		Tributary G	About 1.0 mile upstream of mouth	* 888
			About 1.6 miles upstream of mouth	* 905
		Tributary J	About 0.67 mile downstream of Ebright Road	* 740
			Just downstream of Winchester Pike	* 751
		Tributary K	About 730 feet upstream of mouth	* 851
			Just downstream of Graham Road	* 855
		Tributary GA	About 0.3 mile upstream of mouth	* 885
			Abouth 0.86 mile upstream of Wagoner Road	* 943
		Big Darby Creek	About 0.4 mile downstream of U.S. Highway 62	* 785
			Just upstream of Interstate 71	* 893
			Just upstream of Alkire Road	* 838
			Just upstream of U.S. Highway 40	* 865
			Just upstream of Interstate 70	* 878
			About 0.75 mile upstream of Scioto Darby Creek Road	* 899
		Little Darby Creek	Mouth at Big Darby Creek	* 837
			Just upstream of dam near Alkire Road	* 841
			About 3.44 miles upstream of Alkire Road	* 866
		Rocky Fork	About 1.13 miles upstream of mouth	* 808
			About 2.8 miles upstream of mouth	* 870
			Clark State Road	* 912
			Just upstream of Dublin Granville Road	* 958
			About 1.0 mile upstream of Walnut Street	* 992
		Hamilton Ditch	Mouth at Hellbranch Run	* 904
			Just downstream of Conrail	* 908
			Just upstream of Conrail	* 913
			Just upstream of Feder Road	* 919
			Just upstream of Walker Road	* 933

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 1.94 miles upstream of Roberts Road	*940
		Clover Groff Ditch	Mouth at Hellbranch Run	*903
			Just downstream of State Route 40	*904
			Just upstream of State Route 40	*909
			Just downstream of Conrail	*914
			Just upstream of Conrail	*923
			Just downstream of Feder Road	*924
			About 0.2 miles upstream of Interstate 70	*930
			Just upstream of Elliot Road	*947
		Briggsdale Run	Mouth at Scioto Big Run	*731
			Just upstream of County Childrens Home Road	*734
			About 0.1 mile upstream of U.S. Route 62	*751
		Mason Run	Mouth at Big Walnut Creek	*739
			About 0.4 miles upstream of Interstate 270	*742
		Marsh Run	Mouth at Scioto Big Run	*706
			Just upstream of Marlane Drive	*757
			About 0.28 miles upstream of Demorest Road	*876
		Hayden Run	Mouth at Scioto River	*772
			Just downstream of Falls	*777
			Just upstream of Falls	*807
			Just downstream of Dublin Road	*813
			Just upstream of Dublin Road	*818
			Just downstream of Hayden Run Road (about 0.19 mile upstream of Bublin Road).	*826
			Just upstream of Hayden Run Road (about 0.19 mile upstream of Dublin Road).	*834
			Just downstream of Hayden Run Road (about 0.55 mile upstream of Dublin Road).	*845
			Just upstream of Hayden Run Road (about 0.55 mile upstream of Dublin Road).	*850
			Just downstream of Leppert Road	*922
			Just upstream of Leppert Road	*932
			About 1.52 miles upstream of Cosgray Road	*942
		Scioto Big Run	Mouth at Scioto River	*699
			Just upstream of Gantz Road	*731
			Just downstream of Chessie System	*747
			Just upstream of Chessie System	*752
			Just downstream of Georgesville Road	*819
		Republican Run	Mouth at Mulberry Run	*748
			Just downstream of Interstate 71	*750
			About 0.05 mile upstream of Interstate 71	*767
			About 0.33 miles upstream of Stringtown Road	796
			Just downstream of Demorest Road	862
		Hellbranch Run	Mouth at Big Darby Creek	*793
			Just downstream of State Route 665	*826
			Just upstream of State Route 665	*832
		Hellbranch Run (cont'd)	Just upstream of Beatty Road	*849
			Just upstream of Grove City Road	*860
			About 0.05 mile downstream of Kunz Road	*881
			Just upstream of Kunz Road	*886
			Just upstream of Conrail	*894
			About 1.4 miles upstream of State Route 40	*912
		Big Run	Mouth at Little Walnut Creek	*735
			Just downstream of Hayes Road	*740
			Just upstream of Hayes Road	*745
			About 0.4 mile upstream of Hayes Road	*745
		Sugar Run	Mouth at Rocky Fork	*948
			Just upstream of State Route 605	*1,025
			Just upstream of Central College Road	*1,040
			Just downstream of Walnut Street	*1,093
			Just upstream of Walnut Street	*1,098
			About 0.35 mile upstream of Walnut Street	*1,101
		Mulberry Run	Mouth at Scioto River	*699
			About 0.23 mile upstream of State Route 104	*700
			Just downstream of Briar Hill Road	750
			Just upstream of Briar Hill Road	757
			About 0.10 mile upstream of Haughn Road	*836
		Indian Run-North Fork Indian Run	Mouth at Scioto River	*778
			At confluence of North Fork Indian Run	*804
			Just downstream of Access Road	*887
		Grant Run	Mouth at Scioto River	*697
			Just upstream of State Route 104	*702
			Just downstream of Borror Road	*757
			Just upstream of Borror Road	*762
			Just downstream of Haughn Road	*834
			Just upstream of Haughn Road	*839
		Grant Run Tributary	Mouth at Grant Run	*704
			Just upstream of Boror Road	*716
			Just downstream of Holton Road	*749
			Just upstream of Holton Road	*755
			About 0.06 mile downstream of Interstate 71	*795
			Just upstream of Interstate 71	*802
			Just upstream of Hoover Road	*808
			Just upstream of Haughn Road	*835
		Plum Run	Mouth at Scioto River	*694
			About 0.06 mile upstream of State Route 665	*695
			Just downstream of Borror Road	*762
			Just upstream of Borror Road	*767

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Plum Run Tributary	Just downstream of Hoover Road	*804
			Just upstream of Hoover Road	*811
			About 1.0 mile upstream of Seeds Road	*863
			Mouth at Plum Run	*748
			Just upstream of Zuber Road	*764
			Just upstream of Hoover Road	*811
			Just upstream of Seeds Road	*840
Maps available for inspection at the Mid Ohio Regional Planning Commission, 410 South High Street, Columbus, Ohio. Send comments to Honorable Michael J. Dorrian, Chairman of the Franklin County Commissioners, Franklin County, 410 South High Street, Columbus, Ohio 43215.				
Ohio	(C) Gallipolis, Gallia County	Ohio River	At downstream corporate limits	*569
			At upstream corporate limits	*570
Maps available for inspection at the City Manager's Office, 518 Second Stroet, Gallipolis, Ohio. Send commotns to Honorable Chris Norris, City Manager, City of Gallipolis, 518 Second Street, Gallipolis, Ohio 45631.				
Ohio	(Uninc.) Licking County	Licking River	About 1.31 miles downstream of County Road 315	*793
			About 2.75 miles upstream of County Road 315	*810
		North Fork Licking River	About 0.95 mile downstream of Water Works Road	*830
			Just upstream of Mt. Vernon Road (downstream crossing).	*886
			At confluence with Lake Fork Licking River	*932
			Just downstream of Torrens Road	*959
		South Fork Licking River	Just upstream of Irving Wick Drive East	*845
			Just upstream of U.S. Route 40 (downstream crossing)	*881
			Just upstream of County Road 40	*926
			Just upstream of McIntosh Road	*1,028
			About 2,600 feet upstream of Mink Street	*1,102
		Dry Creek	At mouth	*861
			Just downstream of State Route 661	*981
		Sycamore Creek	At south county boundary	*1,021
			About 1,800 feet upstream of Interstate 70	*1,051
		Raccoon Creek	About 3,000 feet downstream of Cherry Valley Road	*876
			Just upstream of County Road 539A	*923
			Just upstream of County Road 22	*966
			About 1,100 feet upstream of State Route 37	*1,060
		Hebron Tributary	At mouth	*878
			About 2,750 feet upstream of mouth	*878
		Lateral E	At confluence with South Fork Licking River	862
			Just downstream of State Route 79	*864
			Just upstream of State Route 79	*872
			Just downstream of Conrail	*898
			Just upstream of Conrail	*903
		Lateral EA	At mouth	*873
			About 950 feet upstream of mouth	*880
		Lateral K	About 1,400 feet downstream of Dam	*919
			About 200 feet downstream of Main Street	*944
			About 400 feet upstream of Main Street	*950
		Kiber Run	At confluence with Raccoon Creek	*1,049
			About 3,600 feet upstream of County Road 41	*1,079
		Log Pond Run	About 1.23 miles downstream of Goose Pond Road	*862
			About 0.46 mile upstream of Price Road	*929
		Bell Run	At confluence with South Fork Licking River	*894
			About 3,300 feet upstream of U.S. Route 40	*905
		Clear Run	At mouth	*911
			Just downstream of Newark-Granville Road	*921
			About 100 feet upstream of Newark-Granville Road	*929
		Beaver Run	At confluence with South Fork Licking River	*869
			Just downstream of State Route 79	*872
			Just upstream of State Route 79	*886
			About 6700 feet upstream of Conrail	*890
		Muddy Fork	At confluence with South Fork Licking River	*983
			About 1900 feet upstream of Columbia Road	*1,028
		Clear Fork	At mouth	*867
			About 1800 feet upstream of Dutch Lane Road	*1,048
		Sharon Valley	Just upstream of Country Club Road	*877
			Just downstream of Jones Road	*952
		Dillon Lake	At Brownsville Road	*793
Maps available for inspection at the Floodplain Administrator's Office, Licking County Administration Building, 743 East Main Street, Newark, Ohio. Send comments to Honorable Frank Gosset, Floodplain Administrator, Licking County, Licking County Administration Building, 743 East Main Street, Newark, Ohio 43055.				
Ohio	(C) Martins Ferry, Belmont County	Ohio River	About 0.35 mile downstream of Conrail	*660
			About 3.85 miles upstream of Conrail (near upstream corporate limits).	*662
Maps available for inspection at the Mayor's Office, City Hall, Fifth and Walnut Streets, Martins Ferry, Ohio. Send comments to Honorable John Laslo, Mayor, City of Martins Ferry, City Hall, Fifth and Walnut Streets, Martins Ferry, Ohio 43302.				
Ohio	(V) Pomeroy, Meigs County	Ohio River	About 0.4 mile downstream of U.S. Route 33	*577
			About 0.7 mile upstream of confluence of Kerr Run	*580
Maps available for inspection at the Mayor's Office, Village Hall, East Second Street, Pomerocy, Ohio. Send comments to Honorable Clarence Andrews, Mayor, Village of Pomeroy, Village Hall, East Second Street, Pomeroy, Ohio 45769.				
Ohio	(V) Powhatan Point Belmont County	Ohio River	About 1.35 miles downstream of confluence of Captain Creek (At downstream corporate limits).	*646

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 0.9 mile upstream of confluence of Captina Creek (At upstream corporate limits).	*648

Maps available for inspection at the Mayor's office, Village Hall, Main Street, Powhatan Point, Ohio. Send comments to Honorable Inez Wright, Mayor, Village of Powhatan Point, Village Hall, Main Street, Powhatan Point, Ohio 43942

Ohio	(V) Shadyside, Belmont County	Ohio River	At downstream corporate limits	*654
			At upstream corporate limits	*655

Maps available for inspection at the Mayor's Office, City Hall, East 39th Street, Shadyside, Ohio. Send comments to Honorable Ron Kaluger, Mayor, City of Shadyside, City Hall, East 39th Street, Shadyside, Ohio 43947.

Tennessee	Unincorporated areas of Fayette County	Wolf River (segment 1)	Just upstream of Fletcher Road	*302
			Just downstream of Rossville Macon Road	*317
		Wolf River (segment 2)	Approximately 1300 feet upstream of State Highway 57.	*345
		Wolf River (segment 3)	Approximately 100 feet downstream of Yager Road	*382
		North Fork Wolf River	Just upstream of State Highway 76	*350
		Hargis Creek	Approximately 5300 feet upstream of confluence with North Fork Wolf River.	*357
		Loosahatchie River	Just upstream of Interstate Highway 40	*280
			Just upstream of Oakland Road	*297
			Just upstream of Old Mill Road	*347
			Approximately 330 feet upstream of Laconia Road	*389
		Little Cypress Creek	Just downstream of Center Point Road	*282
		Bluff Creek	Approximately 660 feet upstream of Macon-Warren Road.	*361
		Cypress Creek	Approximately 200 feet upstream of U.S. Highway 64	*297
		Cypress Creek Tributary B	Approximately 260 feet downstream of Hickory Whithe Road.	*334
		Cane Creek	Approximately 1400 feet downstream of Center Point Road.	*279

Maps available for inspection at Planning Commission Administrator's Office, 302-C Midland Street, Somerville, Tennessee 38068.

Send comments to Mr. David Smith, Fayette County Executive, County Courthuse, Room 204 or Mr. Larry Brady, Planning Commission Administrator, 302-C Midland Street, Somerville, Tennessee 38068.

Tennessee	Unincorporated areas of Henry County	Bailey Fork Creek-Town Creek-Jones Bend Creek.	Just upstream of Louisville and Nashville Railroad	*386
			Just downstream of India Road	*395
		Bailey Fork Tributary One	Just downstream of Corporate Limits	*395
		Bailey Fork Tributary Two	Just downstream of Oak Drive	*390
		Clifty Creek	Approximately 275 feet downstream of Clifty Road	*380
			Just downstream of Reynoldsburg Road	*416
		Clifty Creek Tributary	Just upstream of Industrial Park Road	*405
			Just downstream of Reynoldsburg Road	*432
		McGowan Branch	Just downstream of India Road	*403
			Just downstream of Guthrie Road	*427
		Three Mile Branch	Approximately 4000 feet upstream of confluence with McGowan Branch.	*441
		Smallwood Branch	Approximately 400 feet downstream of India Road	*402
		Turkeypen Creek	Just downstream of County Home Road	*377
		Henson Branch	Just downstream of Sandy Grove Road	*390

Maps available for inspection at County Clerk's Office, Henry County Courthouse, Paris, Tennessee 38242.

Send comments to Mr. Jim W. Farmer, Henry County Executive, County Courthouse, P.O. Box 7, or Mr. Dorris Coley, Henry County Clerk, County Courthouse, P.O. Box 442, Paris, Tennessee 38242.

Tennessee	City of Jackson, Madison County	South Fork of Forked Deer River	Just upstream of U.S. Highway 70	*347
			Just upstream of Bolivar Street	*351
		Jones Creek	Just upstream of Secondary Route 8059	*375
		Meridian Creek	Approximately 275 feet upstream of Harts Bridge Road.	*363
			Approximately 175 feet upstream of State Route 5	*376
		Bond Creek	Just upstream of Secondary Route 8189 (Perry Switch Road).	*358
			Just downstream of Harts Bridge Road West	*376
		Cane Creek	Just upstream of A Street	*363
			Just upstream of Second Street	*365
		Johnson Creek	Just downstream of Lower Brownsville Road	*345

Maps available for inspection at City Hall, 314 Main Street, or the Jackson Regional Planning Commission Office, Church Street, Jackson, Tennessee 38301.

Send comments to Mayor Robert Conger, City Hall, 314 Main Street, or Mr. Eugene Smith, Assistant to the City Commissioner, Jackson Regional Planning Commission Office, Church Street, Jackson Tennessee 38301

Tennessee	Unincorporated areas of Madison County	Middle Fork of Forked Deer River	Just downstream of the Illinois Central Gulf Railroad	*338
			Just upstream of State Route 5	*355
		Matthews Branch	Just upstream of Old Humboldt Road	*364
		Deloach Creek	Just downstream of the Illinois Central Gulf Railroad	*347
			Approximately 350 feet upstream of the Illinois Central Gulf Railroad.	*349
			Just upstream of Old Humboldt Road	*364
		Moize Creek	Just upstream of the Illinois Central Gulf Railroad	*354
			Just downstream of Ashport Road	*381
		Dyer Creek	Just downstream of Florida Steel Corporation Access Road.	*370
		Johnson Creek (Middle Fork Basin).	Just downstream of Ashport Road	*386
			Just upstream of Christmasville Road	*398

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Gilmers Creek	Just upstream of U.S. Highway 70 (State Route 1)	*424
			Just downstream of Waynick Road	*443
		Spring Creek	Just downstream of George Anderson Road	*387
			Just downstream of U.S. Highway 70 (State Route 1)	*405
		South Fork of Forked Deer River	Approximately 450 feet upstream of Secondary Route 8214.	*326
			Just downstream of Interstate Highway 40	*341
			Just upstream of Secondary Route 8058	*371
		Cypress Creek	Just upstream of Lower Brownville Road	*335
			Just downstream of U.S. Highway 70	*368
		Cub Creek	Just upstream of Lower Brownsville Road	*343
			Just upstream of Womack Road	*403
		Johnson Creek	Just upstream of Lower Brownsville Road	*345
			Just downstream of Westover Road	*360
		Bond Creek	Just upstream of unnamed Access Road	*401
			Just downstream of Gobelet Road	*457
		Cane Creek	Just upstream of State Route 8183 (Old Bolivar Road)	*407
		Meridian Creek	Just upstream of the Illinois Central Gulf Railroad	*357
			Just downstream of Medon Malesus Road	*410
		North Fork of South Fork of Forked Deer River.	Just upstream of Secondary Route 8162	*364
			Approximately 400 feet downstream of State Route 8241.	*372
		Bear Creek	Just downstream of State Route 5	*382
		Brown Creek	Approximately 2000 feet upstream of State Route 8059 (Bluff Road).	*368
		Sandy Creek	Just downstream of Angina Road	*418
			Just downstream of Bowman Road	*433
		Sandy Creek Tributary	Just downstream of Bowman Road	*436

Maps available for inspection at Madison County Courthouse, Main Street, Jackson, Tennessee 38301.
Send comments to Mr. J. Alexander Leech, County Executive, Madison County Courthouse, Main Street, Jackson, Tennessee 38301.

Tennessee	City of Murfreesboro, Rutherford County	West Fork Stones River	Just downstream of Thompson Lane	*558
			Just downstream of U.S. Highway 41 and 70	*563
			Just upstream of Interstate Highway 24	*587
		Sinking Creek	Just downstream of Memorial Boulevard (U.S. Highway 231) Drive.	*596
			Just upstream of Highland Street	*601
			Just upstream of Ewing Road	*612
		Lytle Creek	Just upstream of Louisville and Nashville Railroad near Carnation Street.	*582
			Just upstream of the intersection of U.S. Highway 70 (Southeast Broad Street) and West Main Street.	*585
			Just upstream of Old Salem Road	*590

Maps available for inspection at City Hall, 220 Northwest Broad Street, Murfreesboro, Tennessee 37130.
Send comments to Mayor Joe B. Jackson or Mr. E.C. Fite, City Manager, City Hall, P.O. Box 1139, Murfreesboro, Tennessee 37130.

Tennessee	City of Paris, Henry County	Town Creek-Jones Bend Creek	Just downstream of India Road	*401
			Just downstream of Louisville and Nashville Railroad	*405
		Bailey Fork Tributary One	Just downstream of Oak Drive	*401
			Just upstream of Wilson Street	*409
		Bailey Fork Tributary Two	Just upstream of Lankford Road	*409
		Clifty Creek	Just downstream of Reynoldsburg Road	*417
			Approximately 825 feet upstream of Reynoldsburg Road.	*419

Maps available for inspection at City Hall, 100 North Caldwell Avenue, Paris, Tennessee 38242.
Send comments to Mayor William Culley or Mr. Thomas R. Williams, City Manager, City Hall, P.O. Box 970, Paris, Tennessee 38242.

Texas	Unincorporated areas of Chambers County	Barrow Slough	Approximately 500 feet downstream of White Road	*21
		Cedar Bayou	Just upstream of Ferry Road	*17
			Just upstream of Southern Pacific Railroad	*23
		Cedar Gully	Just downstream of Cedar Bayou Bay Road	*25
		Cotton Bayou	Approximately 500 feet upstream of State Highway 565.	*16
			Just downstream of Interstate Highway 10 (Fedder Road).	*30
		Double Bayou East Fork	Approximately 300 feet upstream of Sykes Road (FM 2936).	*18
			Just downstream of State Highway 1663	*32
		Double Bayou West Fork	Just downstream of State Highway 562	*19
		Hackberry Gully	Just downstream of State Highway 565	*17
			Just upstream of Interstate Highway 10	*32
		Horsepen Bayou	Just downstream of Southern Pacific Railroad	*23
		Lee Gully	Just upstream of Speights Road (State Highway 1663)	*21
		Sawpit Gully	Just upstream of Southern Pacific Railroad	*24
		Spindletop Bayou	Just upstream of State Highway 124	*15
			Just downstream of State Highway 65	*22
		Spring Branch	Just upstream of Speights Road	*26
		Whites Bayou, South of I-10	Just upstream of Bailey Road	*18
		Turtle Bayou-Whites Bayou	Approximately 400 feet downstream of State Highway 61.	*22
		Galveston Bay/Cedar Bayou	Just upstream of Tri-City Beach Road	*12
		Trinity Bay/Hackberry Gully	Just downstream of Cotton Lane Road	*13
		Trinity Bay/Trinity River	Just downstream of Interstate Highway 10	*13
		Trinity Bay/Double Bayou West Fork.	Just downstream of Eagle Road	*12

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		East Bay/Oyster Bayou	Just downstream of White Ranch Road (FM 1985)	*11
		Gulf of Mexico/Mud Bayou	Just upstream of the Atchison, Topeka and Santa Fe Railway.	*12
	Maps available for inspection at County Judge's Office, Chambers County Courthouse, 404 Washington Avenue, Anahuac, Texas 77514.			
	Send comments to Judge Alma L. Turner, County Judge, Chambers County Courthouse, P.O. Box 939, Anahuac, Texas 77514 or Mr. Jack Chambliss, Civil Defense Director, P.O. Box 957, Anahuac, Texas 77514.			
Texas	Deer Park, city, Harris County	Patrick Bayou	Entire shoreline within corporate limits	*11
		Tucker Bayou	Entire shoreline within corporate limits	*11
		Willow Springs Bayou	Downstream corporate limits	*23
			Downstream of Pasadena Boulevard	*29
		Tributary to Willow Springs Bayou	Downstream corporate limits	*24
			Pasadena Boulevard (upstream side)	*28
	Maps available for inspection at the City Hall, Deer Park, Texas.			
	Send comments to Honorable Jimmy Burke, Mayor of Deer Park, P.O. Box 700, Deer Park, Texas 77536.			
Texas	El Lago, city, Harris County	Clear Lake	The entire shoreline within the community	* 15
		Taylor Lake	Upstream of Nasa Road to upstream corporate limits	* 11
	Maps availabe for inspection at the City Hall, El Lago, Texas.			
	Send comments to Honorable Elizabeth Lenoir, Mayor of El Lago, 3802 Nasa Road 1, Apt. 27, Seabrook, Texas 77586.			
Texas	Morgans Point, city, Harris County	Galveston Bay	Entire shoreline within corporate limits	* 19
		San Jacinto River	Barbours Cut: entire shoreline within corporate limits	* 12
	Maps available for inspection at the City Hall, Morgans Point, Texas.			
	Send comments to Honorable John H. McCulley, Mayor of Morgans Point, P.O. Box 839, La Porte, Texas 77571.			
Texas	Seabrook, city, Harris County	Galveston Bay	Entire shoreline of Galveston Bay within community	* 18
			Eastern shoreline of Clear Lake	* 13
			Entire shoreline of Clear Creek within community	* 13
			Entire shoreline of Pine Gully within community	* 12
		Clear Lake	Shoreline from western corporate limits to approximately 450 feet west of Elan Street (extended).	* 15
			Shoreline from approximately 450 feet west of Elan Street (extended) to approximately 250 feet west of Ocean View Drive (extended).	* 14
		Taylor Lake	Entire shoreline within community	* 11
	Maps available for inspection at the City Hall, Seabrook, Texas.			
	Send comments to Honorable L. W. Dickerson, Mayor of Seabrook, P.O Box 539, Seabrook, Texas 77586.			
Texas	Shoreacres, city, Harris County	Galveston Bay	Entire shoreline within community	* 17
		Taylors Bayou	Entire length within the community	* 11
	Maps available for inspection at the Shoreacres City Hall.			
	Send comments to Honorable Charles Ritterhouse, Mayor of Shoreacres, 619 Shoreacres Boulevard, La Porte, Texas 77571.			
Texas	Taylor Lake Village, city, Harris County	Taylor Lake	Entire shoreline within community	* 11
		Forrest Lake	Entire shoreline within community	* 11
	Maps available for inspection at the Taylor Lake Village City Hall, Seabrook, Texas.			
	Send comments to Honorable Marta Greytok, Mayor of Taylor Lake Village, 1202 Kirby Road, Seabrook, Texas 77586.			
Utah	Salt Lake City, city, Salt Lake County	Jordan River	100 feet downstream of the intersection of Redwood Road and Jordan River.	*4,215
			50 feet downstream of the intersection of 21st South Street and Jordan River.	*4,229
		Red Butte Creek	Intersection of 11th East Street and Red Butte Creek	*4,371
			60 feet upstream of the intersection of Fort Douglas Entrance Road and Red Butte Creek.	*4,889
		Emigration Creek	110 feet upstream of the intersection of 13th East Street (State Highway 181) and Emigration Creek.	*4,412
			80 feet downstream of the intersection of Foothill Drive (U.S. Highway 40 and State Highway 186) and Emigration Creek.	*4,682
	Maps available for inspection at Planning and Zoning Department, City-County Building, 4th South and State Street, Salt Lake City, Utah			
	Send comments to the Honorable Ted L. Wilson, City-County Building, 4th South and State Street, Salt Lake City, Utah 84111.			
Vermont	Cambridge, town, Lamoille County	Lamoille River	Downstream corporate limits	*440
			Downstream corporate limits between Town of Cambridge and Village of Cambridge.	*446
			Approximately 200 feet upstream of State Route 15	*454
			Upstream of Town Route 23	*461
			Upstream corporate limits	*466
		Seymour River	Downstream corporate limits	*467
			Upstream of downstream Access Road	*489
			Upstream of upstream Access Road	*506
		North Branch Lamoille River	Confluence with Lamoille River	*464
			Upstream corporate limits	*470
	Maps available for inspection at the Cambridge Town Offices, Jeffersonville, Vermont.			
	Send comments to Honorable Joseph Rooney, Chairman of the Cambridge Board of Selectmen, Town of Cambridge, Jeffersonville, Vermont 05464.			
Vermont	Jeffersonville, village, Lamoille County	Lamoille River	Downstream corporate limits	*452

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Brewster River	Downstream State Route 108	*456
			Upstream corporate limits	*459
			Confluence with Lamoille River	*458
			Upstream Private Road	*480
	Maps available for inspection at the Village Offices, Jeffersonville, Vermont.			
	Send comments to Honorable Wendell T. Wells, Village Trustee of Jeffersonville, Village Offices, Jeffersonville, Vermont 05464.			
Vermont	Plainfield, town, Washington County	Winooski River	Downstream corporate limits	*681
			Upstream U.S. Route 2	*685
			Downstream of Village corporate limits	*704
			Approximately 1,300' downstream of Plainfield Dam	*721
	Maps available for inspection at the Town Hall, Plainfield, Vermont.			
	Send comments to Honorable Kenneth Russell, Chairman of the Plainfield Board of Selectmen, Town Hall, Plainfield, Vermont 05664.			
Vermont	Plainfield, village, Washington County	Winooski River	Downstream corporate limits	*704
			Downstream Plainfield Dam	*732
			Upstream corporate limits	*751
	Maps available for inspection at the Village Hall, Plainfield, Vermont.			
	Send comments to Honorable Gary Graves, Village Trustee of Plainfield, Village Hall, Plainfield, Vermont 05664.			

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

Issued: September 22, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29170 Filed 10-27-82; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 61

[CGD 80-064]

Marine Engineering; Thermal Fluid Heaters, Required Tests and Inspections

Correction

In FR Doc. 82-28545, in the issue of Monday, October 18, 1982, beginning on page 46336, make the following corrections:

1. On page 46336, in the middle column under the **"SUPPLEMENTARY INFORMATION",** first paragraph, line 7, "(CDG)" should read "(CGD)".

2. On page 46336, in the last column, under the heading **"DISCUSSION OF PROPOSED RULES",** the third paragraph, line 18, insert "to" after "be".

3. On page 46337, the last column, § 61.30-10, *Hydrostatic test.*, line 3, "1½" should read "1½" and in line 11, "land" should read "an".

4. On page 46338, the first column, § 61.30-20, last line of the section before the "Note", the first "of" should read "or".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-715; RM-4192]

FM Broadcast Stations in Flagstaff and Winslow, Arizona; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a third class C FM assignment to Flagstaff, Arizona, and the substitution of one Class C channel for another unused Class C channel at Winslow, Arizona, in response to a petition filed by Communications, Ltd.

DATES: Comments must be filed on or before December 6, 1982, and reply comments on or before December 21, 1982.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Released: October 21, 1982.

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast stations, (Flagstaff and Winslow, Arizona), BC Docket No. 82-715 RM-4192.

Adopted: October 14, 1982.

1. The Commission herein considers a petition for rule making filed September 1, 1982, by Communications Ltd. ("petitioner") which seeks the assignment of Class C Channel 248 to Flagstaff, Arizona, and the substitution of Channel 286 for unused Channel 247 at Winslow, Arizona. Petitioner expressed a desire to apply for the requested channel at Flagstaff, if assigned.

2. In support of the proposal to assign a third FM channel to Flagstaff, petitioner submitted population and economic information. However, in view of the action taken in *Revision of FM Assignment Policies and Procedures,* 90 F.C.C. 2d 88 (1982), this information is no longer relevant.

3. In view of the foregoing and the fact that the proposed assignment could provide a third FM broadcast service to Flagstaff, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following cities:

City	Channel No.	
	Present	Proposed
Flagstaff, Ariz.	225, 230	225, 230, 248.
Winslow, Ariz.	236, 247	236, 286.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before December 6, 1982, and reply comments on or before December 21, 1982, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

PART 73—[AMENDED]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-29585 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-713; RM-4191]

FM Broadcast Station in Bakersfield, Calif.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of Channel 296A to Bakersfield, California, in response to a petition filed by Kern Communications Company. The proposed assignment could provide a sixth FM service to Bakersfield.

DATES: Comments must be filed on or before December 6, 1982, and reply comments must be filed on or before December 21, 1982.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Adopted: October 14, 1982.

Released: October 21, 1982.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations, (Bakersfield,

California), BC Docket No. 82-713; RM-4191.

1. A petition for rule making was filed August 27, 1982, by Kern Communications Company ("petitioner") seeking the assignment of Channel 296A to Bakersfield, California, as its sixth FM assignment.[1] The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the provision of a sixth service to Bakersfield, California, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Bakersfield, Calif..	231, 243, 268, 300.	221A, 231, 243, 268, 296A, 300.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before December 6, 1982, and reply comments on or before December 21, 1982, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

PART 73—[AMENDED]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See §1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in the Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate for service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-29587 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

[1] A petition is also pending to assign Channel 221A to Bakersfield, California, (BC Docket 82-623). 47 FR 40454, published September 14, 1982.

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47 CFR Part 73

[BC Docket No. 79-269; RM-3398]

TV Broadcast Stations in Dover and Seaford, Delaware, et al.

AGENCY: Federal Communications Commission.

ACTION: Dismissal of proposed rule.

SUMMARY: Action taken herein dismisses from further consideration, an earlier proposal made on the Commission's own motion, to assign UHF television Channel 34 to Wildwood, New Jersey, because no one had expressed an interest in operating a facility on such an assignment.

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

FOR FURTHER INFORMATION CONTACT: Israel Teitelbaum, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations, *(Dover and Seaford, Delaware;* Asbury Park, Atlantic City, New Brunswick, Newton, Vineland, West Milford and *Wildwood, New Jersey;* Kingston and Syracuse, New York; and Bethlehem, Lebanon and State College, Pennsylvania.) BC Docket No. 79–269 RM–3392 RM–3398 (3–13–80; 45 FR 16219).

Adopted: October 8, 1982.

Released: October 18, 1982.

1. The Commission adopted a Notice of Proposed Rule Making, 45 FR 16219, pub. March 13, 1980, in this proceeding proposing to assign six UHF television assignments to the State of New Jersey and to make corresponding amendments to the Television Table of Assignments, 47 CFR 73.606(b), to accommodate those new assignments. Among other things, the *Notice* proposed the assignment of Channel 34 from Dover, Delaware to Wildwood, New Jersey. No party has expressed an interest in this assignment. The Delaware Citizens' Committee has filed an opposition to this proposal claiming that its adoption would have an adverse impact upon the growth of UHF television service in Delaware. The Committee asks us to sever the Wildwood proposal from the ramainder of this proceeding and to confirm that this proposal will not be adopted. This request is granted for the reasons set forth below.

2. The Committee argues that the Commission's Wildwood proposal requires the substitution of inferior assignments to Delaware and may otherwise result in a loss of potential UHF service to that State. The Committee has received public funding to provide service to Delaware and argues that our proposal hamstrings the Committee's abilities to provide optimal service.

3. Given the lack of interest in the proposed assignment of a UHF channel in Wildwood, we believe that the Committee's request should be granted. Such action will permit the Committee to commit funds to Delaware service confident that it will not be required to operate on assignments that it believes to be inferior to those currently assigned to that State.

4. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and 307(b) of the Communications Act of 1934, as amended, the Commission's proposal to assign UHF Channel 34 to Wildwood, New Jersey, and the attendant amendments to the Table of Assignments for Dover, and Seaford, Delaware, are dismissed.

5. For further information regarding this proceeding, contact Israel Teitelbaum, Broadcast Bureau, (202) 632–7792.

Federal Communications Commission.

Laurence E. Harris,

Chief, Broadcast Bureau.

[FR Doc. 82–29588 Filed 10–27–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 82–714; RM–4193]

FM Broadcast Stations in Lubbock, Tex.; Proposed Changes in Table in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: Action taken herein proposes the assignment of Channel 292A to Lubbock, Texas, in response to a petition filed by Jerrico Broadcasting. The proposed assignment could provide a seventh FM service to Lubbock.

DATES: Comments must be filed on or before December 6, 1982, and reply comments must be filed on or before December 21, 1982.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: October 14, 1982.

Released: October 21, 1982.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Lubbock, Texas), BC Docket No. 82–714 RM–4193.

1. A petition for rule making was filed September 2, 1982, by Jerrico Broadcasting ("petitioner") proposing the assignment of Channel 292A to Lubbock, Texas,[1] as its seventh FM assignment. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

[1] Petitioner submitted community data for Lubbock. However, in view of the action taken in BC Docket No. 80–130, *Revision of FM Assignment Policies and Procedures,* 90 F.C.C. 2nd 88 (1982), this information is no longer required.

2. In view of the provision of a seventh FM service to Lubbock the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Lubbock, Tex.	229, 233, 242, 258, 266, 273.	229, 233, 242, 258, 266, 273, 292A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before December 6, 1982, and reply comments on or before December 21, 1982, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoke or written concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

PART 73—[AMENDED]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-29586 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 92-618]

Allocation of Frequencies for Wildlife Tracking Telemetry in the Forestry-Conservation Radio Service; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of comment/reply comment period.

SUMMARY: The FCC is extending the time for the submission of comments and reply comments in this docket concerning frequency allocation in the Forestry-Conservation Radio Service. The Commission took this action in order to give all interested parties amply opportunity to comment and to assure a complete record in the proceeding.

DATE: Comments are now due by February 1, 1983 and replies by March 1, 1983.

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

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION:

Adopted: October 18, 1982

Released: October 20, 1982.

In the matter of Amendment of Part 90 of the Commission's rules and regulations to authorize frequencies for Wildlife Tracking Telemetry in the Forestry-Conservation Radio Service, PR Docket No. 82-618, RM-4016 (9-13-82; 47 FR 40194).

1. The Nevada Department of Wildlife (NEVADA), the Alaska Department of Fish and Game (ALASKA), and The Idaho Department of Fish and Game (IDAHO) separately have requested an Extension of Time for filing Comments and Reply Comments in the above-captioned proceeding. The Notice of Proposed Rule Making was adopted August 30, 1982 and released September 3, 1982. Comments are due by October 12, 1982 and Reply Comments by October 27, 1982.

2. NEVADA and ALASKA are silent as to why additional time is necessary for them to comment on the proposals made in the proceeding. In support of its Request for an Extension of Time IDAHO says:

> We have just become aware of the proposed FCC Regulations concerning telemetry operations which would apparently seriously affect considerable work the Idaho Department of Fish and Game does with Animal Radio Tracking.
>
> Since it is impossible to fully assess the probable impacts in the time remaining, and since we understand many other State and Federal Agencies and Universities would be similarly affected, we urgently request the FCC postpone a decision on these Regulations.

3. IDAHO, while it requests a Time Extension, gives no specific amount of time it needs. ALASKA and NEVADA, while they give no specific reasons for needing a Time Extension, each identify 90 days as the amount of time necessary.

4. The Commission has considered the reasons given in support of the requested Time Extension, together with the amount of time asked. Because most of the requesting parties maintain that they need approximately 90 days, if they are to submit meaningful comments, and because there are no pressing countervailing reasons why such parties should not have additional time, we are persuaded that the public interest will be served by granting the requests, since it will permit a more thorough discussion of the proposals.

5. Accordingly, it is ordered, pursuant to the authority set forth in § 0.331 of the Commission's Rules and Regulations, that interested parties will have until February 1, 1983 to file comments and until March 1, 1983 to file comments in this proceeding.

Federal Communications Commission.

James C. McKinney,

Chief, Private Radio Bureau.

[FR Doc. 82-29590 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 178

[Docket No. HM-185, Notice No. 82-7]

Standard for Polyethylene Containers; Extension of Comment Period

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Extension of time to file comments.

SUMMARY: On August 26, 1982, MTB published a notice of proposed rulemaking (Docket No. HM-185, Notice No. 82-7; 47 FR 37592) concerning a revision of standards in 49 CFR applicable to the construction and use of polyethylene containers used as packagings for hazardous materials. Subsequently, petitions have been received from two companies citing a need for additional time in which to evaluate and comment of the proposals in the notice and requesting a 90 day extension of time for filing comments. MTB believes that an extension is consistent with the public interest and, by this notice, is extending the comment period from October 25, 1982, to January 24, 1983.

DATE: Comments must be received on or before January 24, 1983.

ADDRESS: Submit comments to Docket Branch, Information Services Division, Materials Transportation Bureau, Room 8426, Department of Transportation, 400 7th Street, SW, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazullo, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-2075.

Issued in Washington, D.C. on October 20, 1982.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulations, Material Transportation Bureau.

[FR Doc. 82-29355 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 82-16; Notice 2]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), Dot.

ACTION: Extension of period to file comments.

SUMMARY: In response to a request from the American Motorcyclist Association, the agency is extending for three weeks the period to file comments on the proposal to amend Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment,* published September 23, 1982 (47 FR 42009). Under this proposal, modulating headlamps would be allowed on motorcycles. The Association, noting the agency's wish to have the largest possible number of comments from users of modulating headlamps, wished to encourage industry press to make note of the docket and inform users that their comments are expressly solicited. The agency concurs in this request and is granting an extension for the time requested.

DATES: The new closing date for filing comments is November 30, 1982.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 21, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-29651 Filed 10-27-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 676

North Pacific Fishery Management Council; Bering-Chukchi Sea Herring Fishery; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration (NOAA) Commerce.

ACTION: Notice of public hearing.

SUMMARY: The North Pacific Fishery Management Council (Council) will hold a public hearing on revisions to the Bering-Chukchi Sea herring fishery management plan (FMP).

DATES: The hearing will be held from 10 a.m. to 5 p.m. on Wednesday, November 10, 1982, at the Kuskokwim Valley Native Association Building in Bethel, Alaska.

FOR FURTHER INFORMATION CONTACT: Jim H. Branson, Executive Director, North Pacific Fishery Management Council, 605 West Fourth Avenue, P.O. Box 3136DT, Anchorage, AK 99510; phone (907) 274-4563.

SUPPLEMENTARY INFORMATION: The purpose of the hearing is to receive comments on revisions to the FMP recommended by the Council it its July meeting. The major changes are in the section dealing with optimum yield (OY). OY would have two components: one for the winter fishery and one for the summer fishery in the Aleutian Islands area. Both components of OY would be available only to domestic fishermen and joint ventures.

The proposed revision which addresses the summer fishery provides for an adjustment to allowable biological catch (ABC) to take into account herring stocks which spawn in the Aleutians and Alaska Peninsula areas. Also included is an apportionment not to exceed 2,000 mt in the fishery conservation zone for the summer food and bait fishery. Additional harvest in State waters would be at the discretion of the Alaska Department of Fish and Game and would not be affected by the FMP; however, the actual harvest will be taken into account when the winter apportionment is determined. Other revisions provide additional safeguards for nothern stocks found offshore by reducing the potential surplus left after the spring inshore fishery before making allocations to the winter offshore fishery.

Revised sections of the FMP were mailed to the interested public on October 15, 1982. Additional copies are available from the Council office at 605 West Fourth Avenue, P.O. Box 3136DT, Anchorage, AK 99510; the Alaska Department of Fish and Game, P.O. Box 96, Bethel, AK 99559; the Bethel Public Library, Bethel, AK 99559; and the National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802.

Final Council action on the FMP is scheduled for the December 7-9, 1982 meeting in Anchorage.

Should winter travel necessitate cancelling the hearing, notice of

cancellation and a new schedule will be announced locally by telephone and radio and, when possible, by newspaper and television.

List of Subjects in 50 CFR Part 676

Fish, Fisheries, Fishing, Reporting requirements.

(16 U.S. 1801 et seq.)

Dated: October 25, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-29739 Filed 10-27-82 8:45]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 47, No. 209
Thursday, October 28, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Pilot Program To Provide Information to Internal Revenue Service on Multiple Housing Transfers, Voluntary Conveyances and Foreclosures

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration (FmHA) will supply the Internal Revenue Service (IRS) with certain information on Section 515 Rural Rental Housing loans that have been transferred, voluntarily conveyed and foreclosed. This exchange of information with IRS is part of an effort to increase cooperation between Federal agenies and to ensure that tax dollars are properly collected when projects are disposed of through transfer, voluntary conveyance or foreclosure.

FOR FURTHER INFORMATION CONTACT: Paul R. Conn, Director, Multi-Family Housing Servicing and Property Management Division, Farmers Home Administration, Room 5321, South Agriculture Building, Washington, D.C. 20250, (202) 382–1599.

SUPPLEMENTARY INFORMATION: FmHA through its Multiple Housing Servicing and Property Management Division will supply IRS with information, such as, names and addresses of borrowers and transferees, indentification numbers, mortgage amount(s), date of disposition, etc., on 515 Rural Rental Housing projects transferred, voluntarily conveyed or foreclosed. This action will only affect the catalogue of Federal Domestic Assistance Number 10.415—Rural Rental Housing Loan program. This affected program is subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901–H. The pilot program will initially involve the reporting of information on projects disposed of during calendar year 1980. Information for more recent years may be supplied after an evaluation of the pilot program has been made by IRS and FmHA.

Dated: October 22, 1982.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82-29708 Filed 10-27-82; 8:45 am]

BILLING CODE 3410-07-M

Forest Service

Coronado National Forest Grazing Advisory Board; Meeting

The Coronado National Forest Grazing Advisory Board will hold a special meeting at 10:00 a.m., November 23, 1982, at the Federal Building, 301 West Congress, Room 7X, Tucson, Arizona. The purpose of this meeting is to discuss allotment management planning and the use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify Larry Allen, Coronado Supervisor's Office, telephone 602–629–6418. Written statements will be filed with the Board before or after the meeting.

The Board has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

Dated: October 20, 1982.

William H. Carter,

Acting Forest Supervisor.

[FR Doc. 82-29567 Filed 10-27-82; 8:45 am]

BILLING CODE 3410-11-M

Montana; Lewis and Clark National Forest Plan Draft Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Extension of public review period for the Lewis and Clark National Forest Plan Draft Environmental Impact Statement.

SUMMARY: The period of public review for the Lewis and Clark National Forest Draft Environmental Impact Statement has been extended until November 30, 1982.

ADDRESSES: Requests for further information should be addressed to: J. Dale Gorman, Supervisor, Lewis and Clark National Forest, Box 871, Great Falls, MT 59403.

Everett Towle,

Acting Regional Forester.

[FR Doc. 82-29568 Filed 10-27-82; 8:45 am]

BILLING CODE 3410-11-M

Preference Right Coal Lease Application; Ouray Ranger District, Grand Mesa, Uncompahgre and Gunnison National Forests, Ouray and Gunnison Counties, Colorado; Intent To Apply Unsuitability Criteria

Pursuant to Mineral Leasing Act of 1920, the Surface Mining Control and Reclamation Act of 1977 and 43 CFR Part 3400 and in accordance with the Memorandum of Understanding Between the Department of Agriculture and the Department of Interior Providing for Coordination of Activities Pursuant to the Federal Coal Management Program, the Forest Service, Department of Agriculture will apply the unsuitability criteria set out in 43 CFR 3461.1 to the following coal preference right lease application:

C–0120075 Gulf Oil Corporation

T46N, R7W, NMPM, Section 3, part of Section 4 and N½ Section 10.

The purpose of applying the unsuitability criteria is to determine if all or part of the lease area is available for leasing.

Due to the geology of the area any operations would be by underground mining methods. In applying the criteria the Forest Service will consider the surface impacts from anticipated underground operations.

Consent to lease does not approve any development or operations. Prior to operations an exploration plan and a mining plan must be prepared and approved. These plans will be reviewed in an environmental analysis process in accordance with the National Environmental Policy Act of 1969.

Maps and rationale for application of the unsuitability criteria will be available by November 19, 1982 at the Ouray District Ranger Office, 101 N. Uncompahgre Ave., P.O. Box 1047, Montrose, Colorado 81401.

Craig W. Rupp, Regional Forester, Rocky Mountain Region, is the responsible official for application of the unsuitability criteria. He will decide whether or not to consent to issuance of

this lease. This decision is anticipated by December 21, 1982.

The Bureau of Land Management, USDI, is responsible for issuing the lease.

Comments on the Notice of Intent or on the application of the unsuitability criteria should be sent to Donald A. Heiser, District Ranger, Ouray Ranger District, P.O. Box 1047, Montrose, Colorado 81401. Comments should be sent by December 13, 1982.

Dated: November 5, 1982.

Jimmy R. Wilkins,

Forest Supervisor, Grand Mesa, Uncompahgre and Gunnison National Forests.

[FR Doc. 82-29659 Filed 10-27-82; 8:45 am]

BILLING CODE 3410-11-M

CANADA AND UNITED STATES—INTERNATIONAL JOINT COMMISSION

Public Hearings

October 21, 1982.

The International Joint Commission will hold three public hearings on the feasibility and desirability of limited regulation of Lake Erie water levels. The Commission will also invite comment on the report of its International Lake Erie Regulation Study Board, which has been released to the public.

The four-year study of the Board concludes that, based on economic criteria, limited regulation of Lake Erie is not a viable concept. Limited regulation could lower the maximum lake level and provide substantial economic benefits in terms of reduced property damage and improved recreational beaches along the Lake Erie Shore. These benefits would be far outweighted by economic losses to commercial navigation, recreational boating and hydro-electric power generation, according to the Board.

Before making recommendations to the Governments of Canada and the United States, the Commission wishes to receive the views of all interested individuals and groups who have additional information to provide on the subject. When a written statement is presented, extra copies should be provided, if possible for distribution to the media and for Commission use. Those unable to attend may also mail written submissions to the Commission offices in Ottawa and Washington (addresses below) and these will become part of the record.

TIMES AND PLACES OF HEARINGS

Nov. 17, 1982	2:30 pm-6:00 pm	Stouffer's Inn on the Square, 24 Public Square, Cleveland, Ohio.
Nov. 18, 1982	2:00 pm-6:00 pm, 7:00 pm-11:00 pm.	Park Hotel, Niagara Falls, Ont.
Nov. 19, 1982	2:00 pm-8:00 pm	Court Room, 2nd floor, City Hall, Ogdensburg, NY.

D. G. Chance, Secretary, Canadian Section, International Joint Commission, 100 Metcalfe Street, Ottawa, Ontario K1P 5M1, (613) 995-2984.

D. A. LaRoche, Secretary, United States Section, International Joint Commission, 2001 "S" St., N.W., Washington, D.C. 20440, (202) 673-6222.

David A. LaRoche,

Secretary, U.S. Section, International Joint Commission.

[FR Doc. 82-29665 Filed 10-27-82; 8:45 am]

BILLING CODE 4710-14-M

COMMISSION ON CIVIL RIGHTS

Hawaii Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a consultation of the Hawaii Advisory Committee to the Commission will convene at 8:30a and will end at 5:00p, on November 19, 1982, at the Prince Kuhio Federal Building, Room C-270, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850. The purpose of this consultation is to gather information on education issues in Hawaii, including affirmative action in Hawaii's public education school system.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Helen R. Nagtalon-Miller, 3201 Beaumont Woods Place, Honolulu, Hawaii 96822, (808) 948-7183, or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles CA 90010, (213) 798-3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, October 20, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29711 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

Hawaii Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Hawaii Advisory Committee to the Commission will convene at 10:00a and will end at 1:00p, on November 13, 1982, Island Colony Hotel, 445 Seaside Avenue, Honolulu, Hawaii 96806. The purpose of this meeting is an orientation of Hawaii Advisory Committee members and to review the up-coming Committee consultation on education issues in Hawaii including affirmative action in Hawaii's public education school system.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Helen R. Nagtalon-Miller, 3201 Beaumont Woods Place, Honolulu, Hawaii 96822, (808) 948-7183, or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles CA 90010, (213) 798-3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, October 20, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29712 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

Idaho Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Idaho Advisory Committee to the Commission will convene at 12:00 noon and will end at 5:00 P.M. on November 13, 1982, at the Red Lion Inn, 1800 Fairview Avenue, in the Spokane Room, Boise, Idaho 83702. The purpose of this meeting is to discuss civil rights issues within the State and plan future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Rudy M. Pena, 2410 Joretta, Boise, Idaho 83704, (208) 334-3993; or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, WA 98174, (206) 442-1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 25, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29713 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee to the Commission will convene at 6:30p and will end at 9:30p, on November 16, 1982, at the Ramada Inn, East Brunswick, New Jersey. The purpose of this meeting is to discuss program planning and block grants.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clyde C. Allen, 620 Sheriden Avenue, Plainfield, NJ 07060, (212) 572-7577; or the Eastern Regional Office, Jacob K. Javits Building, Room 1639, 26 Federal Plaza, New York, NY 10278, (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, October 19, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29710 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

Oklahoma Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Oklahoma Advisory Committee to the Commission will convene at 6:00 P.M. and will end at 8:00 P.M. on November 17, 1982, at the Quality Inn Central, Hideaway B, 112 N. Eastern Avenue, Oklahoma City, Oklahoma 73117. The purpose of this meeting is to plan followup to the Block Grant project report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Earl D. Mitchell, 3 Summit Circle, Stillwater, Oklahoma 74074, (405) 624-6212; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, TX 78204, (512) 229-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 25, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29714 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin Advisory Committees; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a joint meeting of the Central States Advisory Committees and the Midwestern Advisory Committees to the Commission will convene at 9:00 A.M. and will end at 4:00 P.M. on November 18, 1982, and will reconvene at 9:30 A.M. and will end at 3:00 P.M. on November 19, 1982, at the Radisson Muehlebach, 12th and Baltimore Streets, Kansas City, Missouri 64105. The purpose of this meeting is to discuss joint program planning activities.

Persons desiring additional information or planning a presentation to these Committees, should contact the Chairperson of the Missouri Advisory Committee, Mrs. Joanne Collins, 4030 Bellefontaine, Kansas City, Missouri 64130, (816) 274-1321; or the Central States Regional Office, 911 Walnut Street, Room 3103, Kansas City, MO 64106, (816) 374-5253; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, IL 60604, (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 25, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29715 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

New York Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee to the Commission will convene at 4:00p and will end at 6:30p, on November 18, 1982, at the Grand Hyatt New York Park Avenue at Grand Central, New York, NY 10017. The purpose of this meeting is to discuss program planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Hon. Robert J. Mangum, 420 East 23rd Street, New York, NY 10010, (212) 420-3935, or the Eastern Regional Office, Jacob K. Javits Building, Room 1639, 26 Federal Plaza, New York, NY 10278, (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, October 19, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29716 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Deformed Steel Bars for Concrete Reinforcement From South Africa

AGENCY: International Trade Administration, Commerce.

ACTION: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order.

SUMMARY: We determine that certain benefits which consitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in South Africa of deformed steel bars for concrete reinforcement, as described in the "Scope of Investigation" section of this notice. The estimated net bounty or grant is indicated under the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Paul J. Thran, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-1766.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we determine that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in South Africa of deformed steel bars for concrete reinforcement (rebars), as described in the "Scope of Investigation" section of this notice. The following programs are found to confer bounties or grants.

- Export incentive program—category C.
- Assumption of financing charges.
- Railroad rate differential.
- Central government rail rebate.

We determine the estimated net bounty or grant to be the amount indicated in the "Suspension of Liquidation" section of this notice.

Case History

On May 18, 1982, we received a petition from counsel for Industrial Siderurgica, Inc., a manufacturer producing deformed steel bars for concrete reinforcement. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in South Africa of rebars. The petitioner filed against deformed bars and plain billet bars, but amended the petition on May 28, 1982, to remove plain billet bars from the investigation. We found the petition sufficient and, on June 7, 1982, we initiated a countervailing duty investigation (47 FR 25174).

Since South Africa is not a "country under the Agreement" within the meaning of section 701(b) the Act and the rebars at issue here are dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to the U.S. industry in question.

We presented a questionnaire concerning the allegations to the government of South Africa in Washington, D.C. On July 23, 1982, we received the response to the questionnaire.

On August 11, 1982, we preliminarily determined there was reason to believe or suspect that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law, were being provided to manufacturers, producers, or exporters in South Africa of rebars (47 FR 35806). No hearing was requested.

Scope of Investigation

For the purpose of this investigation, the term "deformed steel bars for concrete reinforcement" covers hot-rolled steel bars, of solid cross section, having deformations of various patterns on their surfaces, as currently provided for in items 606.79 and 606.81 of the *Tariff Schedules of the United States.*

The South African Iron and Steel Industrial Corporation (ISCOR) is the only known producer in South Africa of the subject product exported to the United States.

The period for which we are measuring subsidization is the corporate fiscal year 1981, which runs from July 1, 1980, through June 30, 1981.

Analysis of Programs

In its response, the government of South Africa provided data for the applicable period. Additionally, we received information from ISCOR, which produced and exported rebars to the United States during 1980 and 1981. Throughout this notice, the general principles applied by the Department of Commerce to the facts of this investigation are described in detail in Appendices 2 and 4 which accompany the notice of "Final Affirmative Countervailing Duty Determination: Carbon Steel Wire Rod from Belgium," in the September 27 issue of the **Federal Register** (47 FR 42403). Based upon our analysis of the petition and response to our questionnaire, we determine the following.

I. Programs Determined To Confer Bounties or Grants on Manufactures, Producers, or Exporters of Rebars

We determine bounties or grants are being provided to manufacturers, producers, or exporters in South Africa of rebars under the programs listed below. In our preliminary determination, we did not include the rail rate differential, Category C of the central government rebate in our calculation of the total benefit as these programs had been terminated as of April 1, 1982. We have reexamined our position on this issue, and we have taken into account the benefits from these programs on exports of the subject merchandise exported prior to April 1, 1982. We believe there may be shipments of rebars from South Africa exported prior to April 1, 1982, that may enter this country after the date of this final determination.

Assumption of Finance Charges

In 1978 the government of South Africa assumed R70 million of ISCOR's finance charges. Under the grants methodology described in Appendix 2, we treated this payment as a grant, and allocated the amount over 15 years, the average life of capital assets in integrated steel mills. This allocation was performed using a discount rate to reflect the time value of these grant funds. We used a "risk-free", rate as indicated by the secondary market rate for long-term government debt, as an appropriate discount rate. Using this methodology, we calculated a benefit of 0.35 percent *ad valorem.*

Railroad Rate Differential

The South African Transport Services (SATS), a government-owned corporation, maintains a rate schedule that generally provides railroad rates for shipments destined for export that are lower than domestic rates.

ISCOR used rail transport for its exports of rebars. The export rate is approximately 50 percent of the domestic rate. We find this program to confer a bounty or grant, and we calculate its benefit by dividing the differential per ton by the per ton value of the product.

As stated in our preliminary notice, SATS maintains that its export rates are "cost justified," and that the difference between the domestic and export rates reflects the difference in the costs of handling the two types of traffic.

SATS has demonstrated that rate differentials between domestic and export steel shipments are generally cost justified. It has shown that the ratio of revenues to costs in export shipments of steel is greater than the similar ratio for most domestic shipments. The exception was certain domesic steel shipments railed under the same conditions as exports. Prior to April 1, these were charged higher rates than exports. Necessarily, the revenue-to-cost ratio for these shipments exceeded the normal ratio for domestic shipments.

During our verification we found that steel for export is shipped in "full-truck loads" (full cars) and 39-car trains. The mill is charged for a fully loaded car whether or not it is able to fill the car completely. These trains are moved to the harbors as complete units. The only handling required is the changing of locomotives on various parts of the lines. At the ports the harbor administration unloads the train and loads the ships; for this service a separate fee is charged.

In contrast, domestic shipments are charged rates on a per ton basis. The railroad moves the cars from the mill to a marshalling yard where they are transferred to other trains for hauling to their destination. (Marshalling may occur more than once during any shipment.) At the destination the railroad is responsible for unloading the train.

SATS has made available to domestic steel shippers, effective April 1, 1982, the same rates export shipments enjoy if the domestic shipments meet the same loading and point-to-point conditions imposed on export shipments.

Based on the availability of the lower rate to all domestic steel shippers meeting the conditions imposed on

export shipments of steel, we determine that the rate afforded by SATS to exporters of rebars is not provided on terms more favorable than those for domestic shippers and that it does not constitute a bounty or grant in this case for shipments exported after April 1, 1982. For shipments prior to April 1, 1982, we find the bounty or grant to be 6.8 percent *ad valoreum* based on the difference in the full truckload rate available to exporters and the per ton rate available to domestic shippers.

Central Government Rebate

The government of South Africa offered a "Central Government Rebate" of up to 25 percent of the railroad charges on products shipped in open railway cars for export. ISCOR benefited from this program in 1981. However, as this program was terminated on April 1, 1982, we are not including this benefit in our calculation of the bounties or grants on shipments after that date. For shipments prior to April 1, 1982, we find the benefit under this program is 1.70 percent *ad valorem.*

Export Incentive Program—Category C (Finance Charges Aid Scheme)

The South African government provided for a tax-free rebate to certain firms increasing the value of their exports of manufactured goods. The rebate was equal to 25 percent of the interest costs for financing exports. ISCOR benefited from this program in 1981. However, as this program was terminated on April 1, 1982, we are not including this benefit in our calculation of the bounties or grants on shipments after that date. For shipments prior to April 1, 1982, we calculated a benefit of 1.2 percent *ad valorem.*

II. Programs Determined Not To Confer Bounties or Grants on Manufacturers, Producers, or Exporters of Rebars

Based upon our verification, we determine that bounties or grants are not being provided to manufacturers, producers, or exporters in South Africa of rebars under the following programs:

Government Equity Participation in ISCOR

The government of South Africa owns over 99 percent of the outstanding shares of ISCOR. The remaining shares are not publicly traded. The petitioners alleged that the purchase of equity by the government represents a bounty or grant.

In our preliminary determination, we made the tentative judgment, based on ISCOR's financial statements, that the purchase of share capital in ISCOR by the government was inconsistent with commercial considerations, and therefore potentially a bounty or grant.

We then measured the value of the bounty or grant by comparing the government's rate of return in 1981 on its equity investment in ISCOR with the national average rate of return in 1981 on equity investments in South Africa as evidenced by the report of the South African Reserve Bank. We then multiplied this difference by the amount of the government equity infusions since 1974. We preliminarily found the value of the benefit, allocated over total ISCOR sales, to be 3.7 percent *ad valorem.*

ISCOR has provided additional information to suggest that the government's equity infusions were consistent with commercial considerations, and therefore not a bounty or grant. ISCOR's income statements in its annual reports are based on an inflation-based accounting system which charges to production costs the increased replacement costs of fixed assets. This expense item is in addition to normal depreciation. While approved and recommended by the National Council of Chartered Accountants (SA), this practice is not followed by most South African companies. However, ISCOR has been using it since 1952.

The effect of this practice on ISCOR is to understate its profit performance *vis-a-vis* companies not using the inflation-based system. When the provisions for increased replacement costs are added back to profits, ISCOR's performance changes dramatically. Instead of two profitable years in the last eight, ISCOR shows profits in six of those years.

Moreover, we have found that ISCOR's non-payment of taxes in those years is not related to a poor profit performance, but instead to significant write-offs for major capital expenditures made during earlier periods. These write-offs are not preferential under South African tax law.

For these reasons we determine that the South African government's purchase of ISCOR's share capital was not inconsistent with commercial considerations, and therefore is not potentially a bounty or grant under the Act.

ISCOR Loan Guarantees

The petitioners alleged that the South African government's ownership of ISCOR allows the company to receive loans at interest rates lower than if the company were privately held. In our preliminary determination, we estimated the benefit from loan guarantees based on the best information available. ISCOR has since presented information on all its loans outstanding during the period for which subsidization is being measured.

Government ownership of a firm does not implicitly guarantee the debt of the firm, and thus does not confer *per se* a bounty or grant. An explicit loan guarantee by the state, on the other hand, bestows a benefit to the extent that the recipient of the guaranteed loan pays less for the debt than would have been commercially available absent the guarantee. In ISCOR's case we found that only certain of the company's loans obtained in foreign countries were guaranteed by the government. Those loans of ISCOR's which were guaranteed carried rates generally higher than the rates for long-term corporate bonds in the countries in which they were received. The long-term corporate bond rate is the rate we selected as our measure of debt incurred solely on the basis of commercial considerations. This rate was used as the best information available for comparison as there was only one similar ISCOR loan that was not guaranteed. (That loan carried the same interest rate as a government guaranteed loan given on the same day.) Therefore, we determine that the guarantee of ISCOR's loans by the government did not provide a benefit which is a bounty or grant in this case.

Employee Training Programs

The South African Department of Manpower certifies training programs to the taxing authority which allows businesses to deduct 200 percent of qualified training expenses. The Department of Manpower has demonstrated that all qualified training programs are available to all companies and industries and that they are neither restricted to certain sectors of the economy nor preferential to exporters. Therefore, we find the tax benefits from the training programs not to be bounties or grants.

Reduced Ocean Freight Rates

The petitions alleged that South African shippers benefited from reduced ocean freight rates. We could find no evidence of such a program. We did find evidence of rate negotiation between shippers and carriers; however, this does not constitute a bounty or grant under the Act.

III. Programs Determined Not To Be Used by Manufacturers, Producers, or Exporters of Rebars

We determine that the following programs, which were alleged by the petitioners to confer bounties or grants,

are not used by the manufacturers, producers, or exporters in South Africa of rebars.

- Export credit insurance,
- Pre- and post-shipment financing,
- Export incentive program—category A, B and D,
- Beneficiation allowances for base mineral processing,
- Homeland development, and
- Iron/steel export promotion scheme.

Comment 1

The petitioner argues that adjustments to ISCOR's financial statements to reflect its use of a replacement cost inflation factor is improper. They also state that investments in steel in general, and in ISCOR in particular, were not prudent in the period 1974 to 1980.

DOC Position

ISCOR's use of the replacement cost inflation factor in its accounts is a conservative accounting procedure. It understates the firm's profits relative to other firms not using the system. Therefore, in order to place ISCOR's performance in its proper perspective, an adjustment must be made. When that adjustment is made, ISCOR's profits, while not high, are in a range that could be expected to attract certain investors. Therefore, we found that equity infusions into ISCOR were not inconsistent with commercial considerations.

Comment 2

The petitioner cites the eight years in which ISCOR did not pay taxes as proof of its unprofitable condition.

DOC Position

We have found that ISCOR's non-payment of taxes in those years was not related to poor profit performance, but instead to significant write-offs for major capital expenditures made during the early and mid-seventies. These write-offs can be carried forward until exhausted. They are not preferential under South African tax law.

Comment 3

The petitioner argues that the government's waiver of dividend payments is a demonstration that its participation in ISCOR is for objectives other than commercial considerations.

DOC Position

Our principal consideration in judging whether a government's participation in a firm is consistent with commercial consideration is the firm's profitability during the period for which subsidization is being measured.

After restating ISCOR's performance in historical cost terms, we find the firm's profitability to be sufficient to warrant making that judgment affirmatively. The fact that the government chose not to take capital out of the firm in the form of dividends is not enough, in and of itself, to make us change our position.

Verification

In accordance with section 776(a) of the Act, we verified the data relied upon in our final determination. During this verification, we followed standard procedures, including inspection of documents, discussions with government officials and on-site inspection of manufacturers' operations and records.

Suspension of Liquidation

The suspension of liquidation ordered in our preliminary determination shall remain in effect until further notice. The total net bounty or grant for rebars exported before April 1, 1982, and entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice is 10.05 percent *ad valorem*. For shipments exported on or after April 1, 1982, and entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, the total bounty or grant is 0.35 percent, a rate which is *de minimis*. Therefore, the duty deposit is 0.0 percent.

As required by section 706(a)(3) of the Act, cash deposits of estimated countervailing duties in the amounts specified above of the f.o.b. invoice prices shall be required on shipments of the subject products entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

The Department intends to complete an administrative review of this determination and order under section 751 of the Act.

This determination and order are published in accordance with sections 705(d) and 706(a) of the Act.

Lawrence Brady,

Assistant Secretary for Trade Administration.

October 25, 1982.

[FR Doc. 82-29706 Filed 10-27-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic And Atmospheric Administration

Deep Seabed Mining—Notice of Receipt of Amendment to an Application for Exploration License

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of receipt of an amendment to an application for Deep Seabed Mining Exploration License.

SUMMARY: Pursuant to Section 116(a) of the Deep Seabed Hard Mineral Resources Act and 15 CFR 970.212(a), which was published at 46 FR 45901, September 15, 1981, the National Oceanic and Atmospheric Administration (NOAA) published notice on June 25, 1982, at 47 FR 27583 that it received, on February 18, 1982, two applications from Ocean Mining Associates (OMA), Box 2, Gloucester Point, Virginia 23062, for licenses to conduct deep seabed mining exploration activities in the Northeastern Equatorial Pacific Ocean within the seabed area generally known as the Clarion-Clipperton Fracture Zone. OMA filed on October 15, 1982 an amendment to the application to eliminate areas of the deep seabed in conflict with some other applicants for exploration licenses. Subject to 15 CFR 970–902, which excludes certain information from public disclosure, interested persons will be permitted to examine the materials relevant to these applications.

FOR FURTHER INFORMATION CONTACT: Laurence J. Aurbach, Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653–8257.

Dated: October 21, 1982.

Francis J. Balint,

Director, Office of Information and Management Services.

[FR Doc. 82-29723 Filed 10-27-82; 8:45 am]

BILLING CODE 3510-12-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Increase in the Import Restraint Level for Certain Wool Apparel from the Socialist Republic of Romania

October 22, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the import level for men's and boys' wool suits in Category 443 from 7,180 dozen to 7,638 dozen, produced or manufactured in Romania and exported during the twelve-month period which began April 1, 1982 by the application of carryforward.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654))

SUMMARY: The Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania provides, among other things, for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the level in the succeeding year. At the request of the Government of the Socialist Republic of Romania, an increase for carryforward is being applied to the level of resraint for wool textile products in Category 443.

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On April 1, 1981, there was published in the **Federal Register** (47 FR 13856) a letter dated March 25, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain categories of wool and man-made fiber textile products, including Category 443, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on April 1, 1982 and extends through March 31, 1983. In accordance with the terms of the bilateral agreement, as amended, and at the request of the Government of the Socialist Republic of Romania, the United States Government has agreed to increase the level for wool textile products in Category 443. Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level to 7,638 dozen.

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

October 22, 1982

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: On March 25, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the the twelve-month period beginning on April 1, 1982 and extending through March 31, 1983 of wool and man-made fiber textile products, produced or manufactured in Romania, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Effective on October 29, 1982, paragraph 1 of the directive of March 25, 1982 is further amended to include an adjusted twelve-month level of restraint of 7,638 dozen [2] for wool textile products in Category 443, produced or manufactured in Romania and exported during the twelve-month period which began on April 1, 1982.

The action taken with respect to the Government of the Socialist Republic of Romania and with respcet to man-made fiber textile products from Romania has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-29704 Filed 10-27-82; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after March 31, 1982.

Announcing an Import Control Level for Certain Man-Made Fiber Textile Products from the Republic of Singapore

October 22, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of man-made fiber woven shirts in Category 640, produced or manufactured in Singapore and exported during the agreement year which began on January 1, 1982 at a level 29,167 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654))

SUMMARY: Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, the United States has decided to control imports of man-made fiber textile products in Category 640 in the same manner as other categories are currently being controlled.

EFFECTIVE DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 18, 1981, there was published in the **Federal Register** (46 FR 61687) a letter dated December 15, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in Singapore, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. The letter published below further amends the letter of December 15, 1981 to include an import control level of 29,167 dozen for Category 640. The level has not been adjusted to account for any imports after December 31, 1981. Imports during the January-August 1982 period have totaled 22,932 dozen and will be charged. When the data become

available, additional charges will be made for the period which began on September 1, 1982 and extends to the effective date of this action.

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

October 22, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 15, 1981 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1982.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 28, 1982 and for the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982 entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 640, produced or manufactured in Singapore, in excess of 29,167 dozen.[1]

Textile products in Category 640 which have been exported to the United States prior to January 1, 1982 shall not be subject to this directive.

Textile products in Category 640 which have been released from the custory of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include enty for consumption into the Commonwealth of Puerto Rico.

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1981. Imports in Category 640 during the January-August 1982 period have amounted to 22,932 dozen.

The action taken with respect to the Government of the Republic of Singapore and with respect to imports of man-made fiber textile products from Singapore has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affiars functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-29705 Filed 10-27-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

December 1, 1982, Wednesday, RDJTF HQ, Tampa, Florida. The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on intelligence support to tactical commanders.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

October 25, 1982.

[FR Doc. 82-29702 Filed 10-27-82; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following request for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Survivor Benefits Program—Application for Annuity—DD 1884.

Public Law 92-425 provides for an annuity, as determined by the retiree, to be paid to widows, dependent children, and other natural interest persons. Upon the death of the retiree, the Uniformed Services Finance Center that paid the service member (retiree) will send the beneficiary DD-1884 in original copy for completion and return that office. Completion/submission of the form revalidates eligibility of the designated beneficiary and updates record information such as address of beneficiary. The completion/submission of DD-1884 is required to enable the beneficiary to apply for entitled benefits provided for in the Public Law.

Widows, dependent children, other natural interest persons of Uniformed Services Retirees; 12,000 respondents; 12,000 burden hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 4B929, Pentagon, Washington, DC 20301, telephone (202) 697-1195.

A copy of the request for extension may be obtained from Mr. Robert L. Newhart, OASD, MRA&L(PI), Room 3C800, Pentagon, Washington, DC 20301, telephone (202) 695-0643. This action is for an extension of authority, not for contract purposes.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

October 25, 1982.

[FR Doc. 82-29703 Filed 10-27-82; 8:45 am]

BILLING CODE 3810-01-M

Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, December 7, 1982; Tuesday, December 14, 1982; Tuesday, December 21, 1982; and Tuesday, December 28, 1982 at 10:00 a.m. in Room 3D321, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant

Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

October 25, 1982.

[FR Doc. 82–29701 Filed 10–27–82; 8:45 am]

BILLING CODE 3810–01–M

Corps of Enginers, Department of the Army

Proposed Flood Control Project on the North Branch Chicago River in Lake and Cook Counties, Illinois; Intent To Prepare Draft, Environmental Impact Statement

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed project would involve the construction of flood damage reduction reservoirs in the North Branch Chicago River watershed in Lake and Cook Counties, Illinois. The reservoirs would be excavated below existing ground level and would be dry during non-flood periods, except for a permanent sediment pool. Each reservoir would include a pumping station to empty the reservoir after each flood event had subsided.

2. Alternatives studied in detail are:

a. No action.

b. A system of six reservoirs, two on each branch of the river, which would be part of a larger system of 10 reservoirs, four of which are already in place.

c. A series of plans based on an incremental analysis of the overall effects of each reservoir. The plan finally selected for implementation may consist of none, any one, or any combination of the six Lake County reservoirs investigated.

3. The alternatives considered in this study are essentially from the plan developed by the Soil Conservation Service (SCS) of the U.S. Department of Agriculture, in cooperation with the Metropolitan Sanitary District of Greater Chicago (MSDGC). Their Floodwater Management Plan was released in 1974 and is being partially implemented by MSDGC. This plan was coordinated with all interested parties and agencies during the SCS/MSDGC study. The U.S. Army Corps of Enginers began reevaluation of this plan in 1976, and public participation has included numerous meetings and coordination with the State of Illinois, MSDGC and SCS. The Corps of Engineers also held an interagency meeting to discuss the Floodwater Management Plan in March 1977. Attendees included interested Federal, state and local agencies. In August 1979 a conference was held in Washington, D.C. with representatives from the Illinois Division of Water Resources, MSDGC, SCS, and the Corps of Engineers to discuss hydrologic/hydraulic analysis and computation of benefit-cost ratios. In addition to the agencies mentioned, coordination has also been undertaken with the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, the Illinois Department of Conservation, and the Northeastern Illinois Planning Commission.

4. Significant issues to be analyzed in depth are destruction of wetlands; disruption or destruction of terrestrial and aquatic habitat; mitigation for habitat losses; disposal of excavated material; and aesthetic effects.

5. No scoping meeting will be held.

6. The DEIS is expected to be available in April 1983.

7. Questions about the proposed action and DEIS can be answered by: Rose Austin, U.S. Army Corps of Engineers, Chicago District, Environmental and Social Analysis Section, 219 South Dearborn Street, Chicago, Illinois 60604 (312/353–6464).

Dated: October 20, 1982.

Christos A Dovas, P.E., LTC,

Corps of Engineers, District Engineer.

[FR Doc. 82–29571 Filed 10–27–82; 8:45 am]

BILLING CODE 3710–HN–M

DEPARTMENT OF ENERGY

Energy Information Administration

Request for Comments on Proposed Form EP–781, "Annual Report of International Electrical Export/Import Data"

AGENCY: Energy Information Administration, Energy.

ACTION: Request for comments.

SUMMARY: The requirement to submit electric energy export/import data annually to the Department of Energy (DOE) is found at 10 CFR 205.300 *et seq.* and 205.320 *et seq.*, and is included in the terms and conditions of each approved Export Authorization and Presidential Permit. The purpose of this Notice is to solicit comments on a proposed optional form, which has been developed for submission of these annual reports. The proposed form and instructions are reproduced following this Notice.

DATES: Comments are due November 29, 1982.

ADDRESSES: Address comments to: Garet Bornstein, Office of Energy Emergency Operations, EP–422, Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20582.

FOR FURTHER INFORMATION CONTACT: Garet Bornstein (address above), (202) 252–1714 or Lise Courtney Howe, Office of General Counsel, GC–11, Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION:

I. Background

On October 28, 1980 (45 FR 71558), the Department issued Final Rules relating to applications for authorization to

export electric energy to a foreign country (10 CFR 205.300 *et seq.*) and to applications for the construction, connection, operation or maintenance of facilities for the transmission of electric energy at U.S. international boundaries (10 CFR 205.320 *et seq.*).

Pursuant to these rules, an electric utility or other entity, subject to DOE jurisdiction under Part II of the Federal Power Act, which proposes to transmit electricity from the United States to a foreign country must have an Export Authorization (§ 205.300). Additionally, any person, firm, co-operative, corporation or other entity which operates an electric power transmission or distribution facility crossing the border of the United States for the transmission of electric energy between the United States and a foreign country must have a Presidential Permit in compliance with Executive Order 10485, as amended by Executive Order 12038 § 205.320).

Section 205.308(c) relating to electrical exports states that persons receiving authorization to transmit electric energy from the United States shall submit to the DOE by February 15 each year, reports covering each month of the preceding calendar year detailing the gross amount of kilowatt-hours of energy, by authorized category, received or delivered, and the cost and revenue associated with each category.

Section 205.325 states that persons receiving Permits to construct, connect, operate or maintain electric transmission facilities at international boundaries shall submit to the DOE by February 15 each year, reports covering each month of the preceding calendar year and detailing, by category, the gross amount of kilowatt-hours of energy received or delivered and the cost and revenue associated with each category.

The required submission of these data also is included in the terms and conditions of each Export Authorization and Presidential Permit holder. This often has led to the submission of more data than required, thereby unnecessarily burdening Export Authorization or Presidential Permit holders. DOE, therefore, has decided to develop an optional form for the annual submission of these data.

II. Comment Procedures

Form EP–781 is reproduced following this Notice. The public is invited to provide comments on the form within 30 days of publication of this Notice. The following general guidelines are provided to assist in the preparation of responses:

1. Should specific instructions and definitions be included?

2. How many hours, including time for research, computation, form preparation, and administrative review will your firm require to complete and submit the form for the first year of reporting?

3. How many hours will your firm require to prepare the form for subsequent years of reporting?

4. If alternate sources of these data are available to you provide the names of these sources and the title under which the data are collected.

5. How can the form be improved?

Comments submitted in response to this Notice will be included in the request for Office of Management and Budget approval of this data collection and will become a matter of public record.

Issued in Washington, D.C. October 22, 1982.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

Instructions for Completing Form EP–781—Annual Report of International Electrical Export/Import Data

I. Purpose

Form EP–781 has been developed as an optional form to collect information required pursuant to 10 CFR 205.300 *et seq.* and 205.320 *et seq.* Under these regulations, holders of Export Authorizations and Presidential Permits are required to report annually the gross amount of kilowatt hours of energy received or delivered and the cost and revenues associated with these transactions.

II. When to Submit

Reports must be submitted by February 15 each year.

III. Who Must Submit

Holders of Export Authorization and Presidential Permits issued pursuant to 10 CFR section 205.300 and 10 CFR section 205.320.

IV. What to Submit

A separate form must be submitted for each Presidential Permit or Export Authorization held.

V. Where to Submit

Reports are to be submitted not later than February 15 to: Office of Energy Emergency Operations (EP–40), Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585.

Questions concerning the report may be sent to the address above, or may be directed to the EP–781 Coordinator at (202) 252–1714.

VI. General Instructions

Use of Form EP–781 for submission of data required pursuant to 10 CFR 205.308 and 205.325 is optional; however, submission of the data is mandatory. Use of the form is encouraged to ensure consistent reporting of these data and to reduce respondent reporting burden.

VII. Specific Instructions

No specific instructions are included. Information requested is considered to be self explanatory.

VIII. Provisions Concerning Confidentiality of Information

The Department of Energy does not consider data submitted on form EP–781 to be confidential and will not treat it as such.

BILLING CODE 6450-01-M

EP-781 (9/72)

Form Approved
OMB Number
Expires:

ANNUAL REPORT OF INTERNATIONAL ELECTRIC IMPORT/EXPORT DATA

Use of this reporting format is optional. However, data requested must be submitted by Permit holders.

DOE does not consider the data to be confidential and will not treat it as such.

1.0 Identification Information

(a) Name of Permit Holder _____

(b) Mailing Address _____

(c) City, State Zip Code _____

(d) Name of Contact Person _____

(e) Telephone Number of Contact Person (Including Area Code) _____

f. Presidential Permit/ Export Authorization Number, if applicable: _____

g. Report Year: 19____

2.0 Import/Export Information

Transfer Point (a)	Month (b)	Imports Per Month (KWH) (c)	Costs in U.S. Dollars (d)	Exports Per Month (KWH) (e)	Revenues in U.S. Dollars (f)
	JAN				
	FEB				
	MAR				
	APR				
	MAY				
	JUN				
	JUL				
	AUG				
	SEPT				
	OCT				
	NOV				
	DEC				
ANNUAL TOTAL					

3.0 PEAK LOAD LIMIT

(a) Does this permit have an export/import peakload limit (level of demand in KW)?

(1) ☐ Yes. Go to Question (b).

(2) ☐ No. Skip to Section 4.0.

(b) Has the peak load limit been exceeded in any month during the previous calendar year?

(1) ☐ Yes. Go to Question (c).

(2) ☐ No. Skip to Section 4.0.

(c) In what month(s) was the peak load level reached? Enter the level reached in KWH's.

Month (a)	Peak Load Limit (KWH's) (b)

If additional space is required, place an "x" in the box provided and attach information. ☐

4.0 COMMENTS

5.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name / Title	Date	Signature

Title 18 USC section 1001 makes is a crime for any person to knowingly and willingly make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

[FR Doc. 82-29551 Filed 10-27-82; 8:45 am]
BILLING CODE 6450-01-C

Federal Energy Regulatory Commission

[Docket No. TA82-2-20-002]

Algonquin Gas Transmission Co.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

October 22, 1982.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on October 18, 1982, tendered for filing Second Substitute 59th Revised Sheet No. 10 and Alternate Second Substitute 59th Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that the above-mentioned tariff sheets are being filed to track substitute rates filed by its pipeline supplier, Texas Eastern Transmission Corporation ("Texas Eastern").

Algonquin Gas requests that the Commission accept that tariff sheet effective September 1, 1982, which synchronizes its rates with the underlying tariff sheet of Texas Eastern.

Algonquin Gas notes that a copy of this filing is being served upon lack affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before October 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29614 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-31-000]

American Electric Power Service Co.; Filing

October 22, 1982.

Take notice that on October 13, 1982, the American Electric Power Service Company (AEP) tendered for filing (1) Power Supply Agreement, dated as of October 1, 1982 among Appalachian Power Company (Appalachian), Ohio Power Company (Ohio Power), Monongahela Power Company (Monongahela) and West Penn Power Company (West Penn); (2) Power Resale Agreement, dated as of October 1, 1982 among Monongahela, West Penn, Jersey Central Power and Light Company (Jersey Central), Metropolitan Edison Company (Met Ed), and Pennsylvania Electric Company (Penelec).

AEP states that the Agreements set forth terms pursuant to which Appalachian and Ohio Power will deliver to Monongahela and West Penn 560,000 kilowatts of Capacity and Energy for resale to Jersey Central, Met Ed and Penelec for the period October 25, 1982 through December 31, 1990, inclusive.

The parties have requested a waiver of the Commission's Rules and Regulations to permit the proposed sale to become effective on less than 60 days notice.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29624 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-42-000]

American Electric Power Service Corp.; Filing

October 25, 1982.

Take notice that on October 18, 1982, Appalachian Power Company (AEP) tendered for filing on behalf of its affiliate Appalachian Power Company (APCO, which is an AEP operating subsidiary) Modification 10 dated August 1, 1982 to the Interconnection Agreement dated February 7, 1957 between Carolina Power & Light Company (Carolina) and APCO. The Commission has previously designated the 1957 Agreement as APCO's Rate Schedule FERC No. 44.

Section 1 of this Agreement revises the Short Term Power Service Schedule to include a provision which shall allow either party to sell Short Term Power on a daily basis at the rate of one-fifth (⅕) of their weekly demand rate. The terms and conditions of this proposed change are substantially the same as the Short Term Power Service Schedule presently on file with the Commission between Indiana & Michigan Electric Company (also an AEP operating subsidiary) and Illinois Power Company (Docket ER81-767-000) which has been accepted for filing by the Commission by Letter Order dated November 9, 1981.

AEP requests an effective date of August 8, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29625 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-31-002 (PGA83-1, IPR83-1)]

Arkansas Louisiana Gas Co.; Proposed Change in FERC Gas Tariff

October 22, 1982.

Take notice that on October 18, 1982, Arkansas Louisiana (Arkla) submitted for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Rate Schedule No. G-2, First Substitute 32nd Revised Sheet No. 4 to become effective October 1, 1982.

Arkla states that this filing is made for the purpose of complying with Paragraph (B) of the Commission's order issued September 30, 1982, in which the Commission required Arkla to file within (15) days revised rates tracking the current rate of Louisiana Nebada Transit Company, one of Arkla's pipeline suppliers.

In this filing Arkla also requested that First Substitute 32nd Revised Sheet No. 185 be permitted to become effective on October 1, 1982.

Copies of this filing were mailed to jurisdictional customers served under Arkla's Rate Schedule No. G–2.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before October 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29615 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83–35–000]

CP National Corp.; Filing

October 22, 1982.

Take notice that on October 15, 1982, CP National Corporation (CP National) tendered for filing a wheeling agreement between CP National and the Fort Mohave Indian Tribe. Under the agreement, CP National will receive the power and energy that the Western Area Power Administration has allocated to the Tribe for irrigation pumping and wheel that energy to the Tribe.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29626 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER80–71–000]

Central Illinois Public Service Co.; Notice of Refund Report

October 22, 1982.

Take notice that on October 8, 1982, Central Illinois Public Service Company filed a refund report pursuant to Commission Opinion No. 142, issued on July 12, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 9, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29639 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos.TA83–1–44–001, TA82–2–44–000, TA82–1–44–000 and TA81–2–44–000 through TA81–44–006]

Commercial Pipeline Co., Inc.; Proposed Change in FERC Gas Tariff

October 22, 1982.

Take notice that on October 13, 1982, Commercial Pipeline Company, Inc. (Commercial) tendered for filing (as part of its FERC Gas Tariff, Fist Revised Volume No. 1) Corrected 40th Revised Sheet No. 3A superseding Substitute 39th Revised Sheet No. 3A to become effective on October 23, 1982.

Commercial states that this filing is made pursuant to Staff's request that certain corrections and additions be made to Substitute 39th Revised Sheet No. 3A.

Copies of this filing were served on Commercial's jurisdictional customers, as well as the Kansas Corporation Commission and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before October 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29617 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER76–320–000]

Connecticut Light and Power Co.; Refund Report

October 22, 1982.

Take notice that on August 20, 1982, Connecticut Light and Power Company filed a refund report pursuant to the Commission's order of May 4, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C 20426, on or before November 3, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29640 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA83–1–23–000]

Eastern Shore Natural Gas Co.; Tariff Filing

October 22, 1982.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on Oct. 15, 1982, tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff to be effective November 1, 1982:

1. Proposed Tariff Sheets to Original Volume No. 1

Twenty-Second Revised Sheet No. 5
Twenty-Second Revised Sheet No. 6
Seventh Revised Sheet No. 7
Twenty-Second Revised Sheet No. 10
Twenty-Second Revised Sheet No. 11
Twenty-Second Revised Sheet No. 12

2. Alternative Tariff Sheets to Original Volume No. 1

Alternate Twenty-Second Revised Sheet No. 5
Alternate Twenty-Second Revised Sheet No. 6
Alternate Seventh Revised Sheet No. 7
Alternate Twenty-Second Revised Sheet No. 10
Alternate Twenty-Second Revised Sheet No. 11

Alternate Twenty-Second Revised Sheet No. 12

The purpose of the "Proposed Tariff Sheets" and "Alternate Tariff Sheets" is to reflect various rate adjustments pursuant to the General Terms and Conditions of Eastern Shore's gas tariff and the transportation cost tracking provision of the Stipulation and Agreement approved by letter order issued March 27, 1981 in Docket No. RP80–84. Such adjustments, which are identified below by reference to the related section numbers, are described in detail as follows:

A. *Tracking Rate Changes from Transco under PGA Clause (Section 21):*

1. Eastern Shore proposes to "track" Transco's rate adjustments as filed per "Proposed Tariff Sheets" to be effective November 1, 1982 as proposed in Transco's PGA filing dated October 1, 1982.

2. In the alternative, Eastern Shore proposes to "track" Transco's rate adjustments as filed per "Alternate Tariff Sheets" to be effective November 1, 1982 as proposed in Transco's PGA filing dated October 1, 1982.

B. *Changes in Rates to Reflect Deferred Gas Cost Adjustment (Section 21):* The determination of the (7.0) cents per dt commodity surcharge for amortizing the Unrecovered Purchased Gas Account is shown in the filing on Schedule 2. The calculation is based on the balance in the account as of August 31, 1982.

C. *"PGA Reduction" Reflecting Incremental Pricing Regulations (Section 23):* As Eastern Shore is projecting a zero (0) MSAC for the upcoming PGA period, there can be no incremental pricing surcharges and therefore no "PGA Reduction".

D. *Changes in Rate to Reflect Curtailment Credits (Section 20):* The calculation of the Demand Charge Adjustment of .1 cent per dt pursuant to Section 20 is shown in the filing on Schedule 4.

Pursuant to Article VI of the Stipulation and Agreement in Eastern Shore's Docket No. RP80–84 costs paid to others for transportation may be reflected in Eastern Shore's jurisdictional rates. The determination of the .4 cent per dt transportation surcharge adjustment for amortizing the Unrecovered Transportation Cost Account is shown in the filing on Schedule 5.

It is requested that the "proposed" sheets become effective November 1, 1982 if the Commission accepts Transco's "proposed" sheets. If, however, the Commission does not accept Transco's "proposed" sheets and instead permits Transco's "alternate" sheets to become effective in accordance with the Commission's suspension order of April 30, 1982 in Transco's Docket No. RP82–55, then Eastern Shore proposes that its "alternate" sheets be made effective November 1, 1982.

Eastern Shore states that in making the instant filing it has assumed Commission approval of Eastern Shore's proposal, filed September 13, 1982 in Docket No. TA82–2–23–001, to change its PGA effective dates from September 1 and March 1 to November 1 and May 1. Otherwise the rates accepted by the Commission effective September 1, 1982, will remain effective. (See order issued September 10, 1982 in Eastern Shore's Docket No. TA82–2–23–000.)

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed in or before October 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29618 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83–39–000]

Edison Sault Electric Co.; Filing

October 25, 1982.

Take notice that Edison Sault Electric Company (Edison) on October 18, 1982, tendered for filing a Supplemental Agreement No. 7, between Edison and Upper Peninsula Power Company (Upper Peninsula), dated October 1, 1982, which agreement will supplement an existing Contract for Electric Service, dated September 10, 1976, between the same two parties. The contract between the parties, dated September 10, 1976, has been designated FPC Rate Schedule No. 7 (Docket No. ER77–98). The proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated September 10, 1976, under section "Increases or Decreases in Rates".

Copies of the filing were served upon Upper Peninsula Power Company and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29629 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GP80–40–000]

El Paso Natural Gas Co.; Finality of Order Dismissing Protests

October 22, 1982.

On September 16, 1982, the Chief Administrative Law Judge issued an order in this proceeding dismissing protests pertaining to contracts covered by Section 102, 103, or 107(C) (1)–(4) of the Natural Gas Policy Act of 1978. No party filed exceptions to the judge's order, and the Commission decided not to initiate review of the order. Accordingly, the judge's order is a final order of the Commission pursuant to Rule 712(a) of the Commission's Rules of Practice and Procedure.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29628 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP83–6–000]

El Paso Natural Gas Co.; Rate Change and Cancellation of Rate Schedule

October 22, 1982.

Take notice that on October 15, 1982, El Paso Natural Gas Company ("El Paso") tendered for filing a notice of a change in rates (and certain identified

tariff provisions) for natural gas service rendered to jurisdictional customers served under all rate schedules contained in Original Volume No. 1 and certain rate schedules contained in Third Revised Volume No. 2 and Original Volume No. 2A. Additionally, pursuant to Section 154.64 of the Federal Energy Regulatory Commission's ("Commission") Regulations and in the form prescribed by Section 250.2 of said Regulations, El Paso is tendering for filing and acceptance a revised tariff sheet which will serve to give notice of cancellation of Rate Schedule G–X.

To implement the instant notice of change in rates and cancellation of Rate Schedule G–X, El Paso submitted revised and original tariff sheets, identified on the attached Appendix, for filing and acceptance. The proposed effective date for the tariff sheets and for the increase in rates the subject hereof, is November 14, 1982.

El Paso states that its jurisdictional revenues, based upon its current rates which rates are currently subject to refund and made effective July 1, 1982 at Docket No. RP82–33, are deficient by $104,052,898 annually based upon the test period cost of service and projected sales volumes. Since El Paso's last general rate increase filing filed with the Commission on December 31, 1981 at Docket No. RP82–33, El Paso has experienced and now projects a significant decline in total sales for its interstate pipeline transmission system, based on several factors which include (i) anticipation of a large carryover of hydroelectric power generation capability; (ii) startup of the Diablo Canyon #1 and San Onofre #2 and #3 nuclear power plants; and (iii) continued recession that has affected most industrial demand. El Paso submits that these reasons are not price related and that El Paso would lose the load regardless of price. El Paso also expects that there will be temporary switching to residual fuel oil purchased by industrial customers from refiners who have surplus residual oil. Although the switching would be price induced, El Paso submits that the cost of gas is not the cause. Rather, refiners have the ability to sell off their surplus by undercutting the industrial gas rates established by the local public utility commission.

As a result of the decline in projected total sales, El Paso has found it necessary to design a two-part rate in order to (i) afford its five largest jurisdictional customers a lower commodity rate to aid such customers in marketing their gas in recognition of the current market condition; and (ii) stabilize El Paso's financial situation. The existing ABD Rate Schedules have been superseded and replaced by: (i) ABD–S Rate Schedules for Small Volume General Distribution System Service, by state, which are applicable for El Paso's small east-of-California ("EOC") customers and which have a single part rate; and (ii) ABD–L Rate Schedules for Large Volume General Distribution System Service, by state, which are applicable for El Paso's EOC jurisdictional customers having sales which are equal to or in excess of 20,000,000 Mcf annually (i.e. Arizona Public Service Company, Southern Union Company and Southwest Gas Corporation). Proposed ABD–L Rate Schedules have a two-part rate, as do proposed revised Rate Schedules A–1–X and G. Additionally, proposed Rate Schedule G revises the currently effective Minimum Annual Bill provision to reflect the effect of the two-part rate. ABD–L Rate Schedules and Rate Schedule A–1–X contain a Minimum Bill Provision. Rate Schedule G–X, which is applicable to excess gas delivered to Southern California Gas Company and/or Pacific Gas and Electric Company, has been deemed unnecessary under the provisions of the currently effective service agreements and is therefore proposed to be cancelled. Tendered Twenty-fourth Revised Sheet No. 27–E is in the form prescribed by § 250.2 of the Commission's Regulations and, when accepted for filing and permitted to become effective, will serve to give notice of cancellation of Rate Schedule G–X.

The production and local area sales rate schedules, Rate Schedule X–1 and the special rate schedules "keyed" thereto, reflect an increase of 6.19¢ per Mcf. The proposed increase in rates under EOC sales rates for small customers (ABD–S) and the special rate schedules "keyed" thereto is 7.81¢ per Mcf. Such increase results in an ABD–S Base Tariff Rate for Texas, New Mexico and Arizona of 391.39¢, 391.54¢ and 393.59¢ per Mcf, respectively. The proposed ABD–L Rate Schedules reflect a Fixed Monthly Charge of 3.143¢ per Mcf of the applicable Billing Determinant set forth in Rate Schedule ABD–L and a Commodity Charge for Texas, New Mexico and Arizona as set forth in the Base Tariff Rate of 353.68¢, 353.83¢ and 355.88¢ per Mcf, respectively. The Base Tariff Rate for Rate Schedule A–1–X reflects a Fixed Monthly Charge of 3.143¢ per Mcf of the applicable Billing Determinant set forth in Rate Schedule A–1–X and a Commoditiy Charge of 355.40¢ per Mcf. The Base Tariff Rate for the California sales rate schedule, Rate Schedule G, reflects a Fixed Monthly Charge of 2.351¢ per Mcf of the applicable Billing Determinant set forth in Rate Schedule G and a Commodity Charge of 350.18¢ per Mcf.

The increase in rates for transportation services is 0.81¢ per Mcf as to Mainline Transmission Charges, 7.62¢ per Mcf as to Field Transmission and Field Gathering Charges, 16.49¢ per Mcf as to Processing and 0.19¢ per Mcf applicable to Dehydration only. The increase in the Short Haul Charge, which applies to transportation distances equal to or less than 100 actual transportation miles, is 0.04¢ per Mcf. The San Juan Triangle Charges have decreased by $0.8267 for the Demand Charge and 2.72¢ per Mcf as to the Commodity Charge. The Back Haul Charge is one-half the Base Tariff Rate for the applicable forward haul rate.

El Paso has requested waiver of Section 154.63(e)(2)(ii) of the Commission's regulations so as to permit the inclusion in rate base of an amount consisting of $1,662,604 attributable to facilities not yet placed in service, and the concomitant inclusion in the filed rates of costs associated with such facilities. In the event that such facilities have not been placed in service prior to the effective date of the rates which are the subject of this filing, El Paso will adjust its rates to reflect the elimination of such facilities, excluding those facilities associated with the Anadarko expansion project proposed at Docket No. CP82–179 ("Anadarko III"), as discussed below, from rate base and the elimination of the associated costs from rates.

El Paso has also requested waiver of § 154.63(e)(2)(ii) of the Commission's Regulations so as to permit the inclusion in rates of costs related to certain additional gas supplies to be transported through the presently uncertificated facilities proposed for the Anadarko III expansion proposal. The annual effect of El Paso's cost of service of this single project (exclusive of purchased gas costs) is approximately $6.3 million of which El Paso has only included $4.7 million or 75% of the total to coincide with the nine (9) months the project will be in service over the sales period. Assuming timely issuance of a certificate, El Paso projects that all facilities required to implement this expansion project will be in service by July 1, 1983, three (3) months beyond the close of the test period underlying the rates proposed.

El Paso submits that good cause exists to grant such waiver. Absent this waiver, El Paso will be subjected to a

substantial and inequitable cost underrcovery associated with the Anadarko III expansion project, while, at the same time, El Paso's customers will be receiving significant gas supply benefits stemming from El Paso's willingness to undertake this important project. Although the Anadarko III project has not yet been certificated, El Paso has predicated the rates proposed on the projected availability, beginning July 1, 1983, of the increased supplies to be transported through the expanded Anadarko area facilities. The projection is consistent with El Paso's conviction that the Anadarko III expansion represents a needed, timely, and economically efficient means of securing significant new supplies for El Paso's system and that it will be found to be so by the Commission. El Paso seeks waiver of the Commission's Regulations with respect to its Anadarko III costs subject to the condition that, on or before December 31, 1982, a certificate of public convenience and necessity has been issued to to El Paso authorizing construction of the facilities therein proposed. In addition, El Paso would not oppose the further condition that if such facilities are not in fact in service on or before July 1, 1983, El Paso will be required immediately to reduce its rates to reflect elimination of all costs associated with the Anadarko III project.

El Paso has proposed certain revisions to the Table of Contents, Rate Schedules, General Terms and Conditions and Index of Purchasers contained in its Original Volume No. 1 Tariff in order to reflect the new rate design discussed above.

Depending upon the outcome of the proceeding at Docket No. RP82-102-000, El Paso will file, to be effective January 1, 1983, a notice of rate change to increase the currently effective Gas Research Institute funding unit to a level as authorized by the Commission. Further, El Paso will file, to be effective April 1, 1983, a semiannual notice of rate change in accordance with the terms of El Paso's Purchased Gas Cost Adjustment Provision of its FERC Gas Tariff. Finally, El Paso, from time to time, may make filings to effectuate rate adjustments and surcharges applicable to particular items of cost which are not included in its general Section 4 rate increase filings. If the effectiveness of the rates proposed by the instant notice is suspended beyond the date that any other rate adjustment of surcharge which El Paso may be authorized to collect becomes effective, El Paso will make the appropriate filings with the Commission to reflect in its rates the effect of any such adjustments or surcharges. To facilitate making such fulings, El Paso specifically requests that the Commission expressly state in its suspension order, applicable to the instant notice, that the rates ultimately placed into effect in the instant proceeding shall reflect any rate adjustments or surcharges which become effective during the suspension period pursuant to El Paso's FERC Gas Tariff or any other Commission authorization.

As a result of the decision of the United States Court of Appeals for the Fifth Circuit in *Mid-Louisiana Gas Co. v. FERC*, No. 80-3804 (December 23, 1981), all of El Paso's company-owned production is deemed to be subject to the maximum lawful price provisions of the Natural Gas Policy Act of 1978. Consistent with the *Mid-Louisiana* decision, El Paso is treating such production as having been acquired through a "first sale" and has eliminated from its cost of service and the rate change all costs associated with such production.

El Paso has requested that waiver be granted of all applicable rules and regulations of the Commission as may be necessary so as to implement the notice of change and cancellation of rate schedule in the manner described herein.

El Paso states that a copy of the notice of change and cancellation of rate schedule, together with a copy of the documents filed concurrently, has been served upon all customers served from El Paso's interstate system and upon all interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said notice should, on or before Nov. 2, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a motion to intervene or a protest in accordance with the requirements of Rule 214 or Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Original Volume No. 1

Twenty-fifth Revised Sheet No. 1
Thirty-fourth Revised Sheet No. 3-B
Twenty-fourth Revised Sheet No. 4
Second Revised Sheet No. 5
Original Sheet Nos. 5-A, 5-B and 5-C
Twenty-first Revised Sheet No. 27-B
Seventh Revised Sheet No. 27-C
Fourth Revised Sheet No. 27-D
Twenty-fourth Revised Sheet No. 27-E
Third Revised Sheet No. 33
Twenty-second Revised Sheet No. 34
Twenty-sixth Revised Sheet No. 36
Fourth Revised Sheet No. 37
Sixth Revised Sheet No. 47
Second Revised Sheet No. 63-F
Second Revised Sheet No. 63-G
Fourth Revised Sheet No. 63-H
Twenty-fifth Revised Sheet No. 92
Twenty-sixth Revised Sheet No. 93
Twenty-seventh Revised Sheet No. 94
Twenty-first Revised Sheet No. 95
Eighth Revised Sheet No. 95-A

Third Revised Volume No. 2

Twenty-fifth Revised Sheet No. 1-D
Thirteenth Revised Sheet No. 1-D.2

Original Volume No. 2A

Twenty-sixth Revised Sheet No. 1-C

[FR Doc. 82-29619 Filed 10-27-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. DR82-701-001]

Florida Power Corp.; Notice of Compliance Filing

October 22, 1982.

The filing company submits the following:

Take notice that on October 1, 1982, Florida Power Corporation filed revised rates in compliance with the Commision's order of September 24, 1982.

Any person desiring to be heard or to protest his filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 8. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public in spection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29641 Filed 10-27-81; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-32-000]

Florida Power & Light Co., Filing

October 22,1982.

The filing Company submits the following:

Take notice that on October 13, 1982, Florida Power & Light Company (FPL) tendered for filing a fully executed Agreement, entitled "Service Agreement For the Supply of Sale for Resale Electric Power Service to Lake Worth Utilities Authority" (Lake Worth) and Exhibit A—Delivery Point and Service specifications to the Service Agreement.

FPL also tendered for filing Revised Sheet No. 24 to FPL's FPC Electric Electiric Tariff, Original Volume No. 1 (Tariff) which sheet reflects the addition of Lake Worth to the index of Customers and Delivery Points.

FPL states that under the Agreement, FPL shall furnish electric service in accordance with the Agreement and the Tariff.

FPL requests an effective date of November 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Director of Utilities of the Lake Worth Utilities Authority.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29642- filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-5-000]

Gulf States Utilities Co.; Application

October 25, 1982.

Take notice that on October 15, 1982, Gulf States Utilities Company (Applicant), filed an Application with the Federal Energy Regulatory Commission pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of up to 6,000,000 shares of its Common Stock, without par value, pursuant to the Applicant's automatic Dividend Reinvestment and Stock Purchase Plan.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 11, 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 385.211 or 385-214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29630 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-36-000]

Idaho Power Co.; Filing

October 22, 1982.

Take notice that on October 15, 1982, Idaho Power Company (Idaho) tendered for filing service agreements between Idaho and Puget Sound Power & Light Company and the Intermountain Consumer Power Association.

Idaho requests an effective date of October 12, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29631 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-6-000]

Idaho Power Co.; Application

October 25, 1982.

Take notice that on October 19, 1982, Idaho Power Company (Applicant) filed an Application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the entry into a $100,000,000 Short-Term Debt Credit Agreement. Final maturity date for debt issued under the Agreement would be not later than December 31, 1984.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before November 18, 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 385.211 or 385.214). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29632 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-10-000]

The Inland Gas Company, Inc.; Application

October 22, 1982.

Take notice that on October 2, 1982, The Inland Gas Company, Inc. (Applicant), 340 Seventeenth Street, Ashland, Kentucky 41101, filed in Docket No. CP83-10-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas to be sold directly to Vistron Corporation (Vistron), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport in its existing pipeline system and deliver through existing interconnecting facilities located in Boyd, Floyd and Knott Counties, Kentucky, up to 28,000 Mcf of natural gas per day to Columbia Gas Transmission Corporation (Columbia Transmission) for the account of Vistron. According to Applicant authorization for said transportation and delivery is required for Applicant to effect a non-jurisdictional sale of natural gas to Vistron pursuant to the terms and provisions of a gas sales agreement with Vistron dated September 30, 1982. Applicant states that no additional facilities would be required to implement the proposed transportation and delivery. Applicant further states that the gas would be transported to Vistron, for use in its ammonia-based products plant near Lima, Ohio, through the facilities of Columbia Transmission and Columbia Gas of Ohio, Inc.

It is indicated that the sales agreement as well as the related transportation agreements provide for service on a best-efforts, interruptible

basis. Applicant advises that Vistron would utilize the natural gas in the production of ammonia-based products, principally agricultual fertilizers. It is stated that Applicant would charge Vistron an initial rate of $3.54 per Mcf, subject to any adjustments consistent with the rates of Applicant's major supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), specified under Rate Schedule CD–2 of Tennessee's FERC Gas Tariff, Original Volume No. 1. Applicant submits that the sale to Vistron would alleviate Applicant's exposure to substantial payments under the minimum bill provisions of Tennessee's FERC Gas Tariff, Original Volume No. 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 motion 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 motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion 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. 82–29646 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER80–598–000, ER80–599–000, ER80–638–000, ER80–718–000, and ER81–320–000]

Iowa-Illinois Gas and Electric Co.; Refund Report

October 25, 1982.

Take notice that on October 12, 1982, Iowa-Illinois Gas and Electric Company filed a refund report pursuant to the Commission's order issued on September 22, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 9, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29633 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83–37–000]

Kansas Power & Light Co.; Filing

October 25, 1982.

Take notice that on October 15, 1982, the Kansas Power and Light Company (KPL) tendered for filing a newly executed contract with the City of Herington, Kansas for wholesale service to that community with the proposed effective date of not later than July 1, 1983. KPL states that this contract permits the City of Herington to receive service under rate schedule WTU–81 designated supplement 6 to R.S. FERC No. 177. The proposed contract change will increase the capacity of on and off peak power to the City of Herington and KPL will purchase emergency electrical energy, when available from the City of Herington.

Copies of the filing have been mailed to the City of Herington and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211, 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29634 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TC82–40–000]

MacMillan Bloedel Inc., (Southern Natural Gas Co.; Informal Settlement Conference

October 21, 1982.

On July 23, 1982, MacMillan Bloedel Inc. (MBI) filed a petition for temporary and extraordinary relief from the currently effective curtailment plan of Southern Natural Gas Company (Southern). MBI requests an order directing Southern to deliver a maximum of 8,928 Mcf per day under a firm contract for a nine month period between August 15, 1982 and May 15, 1983.

Take notice that on November 3, 1982, at 9:30 a.m., a settlement conference for all interested parties will be convened concerning the issues involved in the above-referenced proceeding. All parties will be expected to come fully prepared to discuss the merits of the issues arising in this proceeding and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference. The conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The room will be posted on the bulletin board located on the second floor of the building on the date of conference.

All interested parties and Staff will be permitted to attend but attendance will not be deemed to authorize intervention as a party in these proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29643 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP83-1-000]

Michigan Wisconsin Pipe Line Co.; Tariff Filing

October 22, 1982.

Take notice that on October 1, 1982, Michigan Wisconsin Pipe Line Company tendered for filing Sixth Revised Sheet No. 667 under Rate Schedule X-64 of First Revised Volume No. 2 of its F.E.R.C. Gas Tariff, to become effective November 1, 1982.

Michigan Wisconsin states that this filing has been made to reflect the redetermination of the monthly charge to the High Island Offshore System (HIOS) for services rendered by Michigan Wisconsin in accordance with a service agreement between Michigan Wisconsin and HIOS dated August 4, 1977, and authorized by Commission Order issued July 6, 1978, at Docket No. CP78-134.

Any person desiring to be heard or to protest said filing should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol, N.E., Washington, D.C. 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before October 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any party wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29620 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-499-000]

Niagara Mohawk Power Corp.; Refund Report

October 22, 1982.

Take notice that on October 12, 1982, Niagara Mohawk Power Corporation filed a refund report pursuant to the Commission's order of August 26, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 9, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29644 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA83-1-37-002 and TA83-1-37-001 (PGA 83-1, DCA 83-1]

Northwest Pipeline Corp.; Change in FERC Gas Tariff

October 22, 1982.

Take notice that on October 12, 1982, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets:

Second Revised Sheet No. 125
Third revised Sheet No. 126

Sheet Nos. 125 and 126 constitute revisions to Northwest's PGA clause as required by Commission Order dated September 30, 1982 at the above referenced docket. The changes revise Northwest PGA provision in order to limit the inclusion of exchange gas transactions in Northwest's annualized purchased gas cost calculation and its monthly purchased gas deferral calculation to noncurrent exchange gas transactions only.

Northwest is submitting the above tariff sheets in compliance with the September 30, 1982 Commission Order, Northwest requested that the Commission: (1) Grant relief from that portion of Ordering Pargaraph (B) that requires the filing of reduced rates because, when the proper exchange gas adjustment is made, the revision would actually result in a rate increase; and (2) make a one time adjustment to Account No. 191 by the balance of the exchange gas account at June 30, 1982; all as more fully discussed in the filing. To the extent the Commission denies the relief requested herein, Northwest respectfully requested that the Commission construe the instant filing as a petition for rehearing pursuant to Section 19(a) of the Natural Gas Act, 15 U.S.C. 717e.

Northwest also requests waiver of the Commission's regulations in order to allow an effective date of October 1, 1982, the effective date approved by the Commission in its September 30, 1982 Order.

A copy of this filing has been mailed to all of Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before October 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29621 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-33-000]

Pacific Gas and Electric Co.; Filing

October 22, 1982.

Take notice take that Pacific Gas and Electric Company (Pacific) on October 13, 1982, tendered for filing an Economy Energy Contract between Pacific and Salt River Project Agricultural Improvement and Power District (Salt River Project) dated September 3, 1982.

Pacific states that the Contact provides for non-firm energy sales between the Parties at mutually agreed upon times and locations as scheduled by the Parties' dispatchers. The rates for such sales shall be either in the form of an average of the Seller's incremental energy cost and the Purchaser's decremental energy cost, or at a rate mutually acceptable by both Parties with the intent of providing a benefit to each Party. In addition, on or about the twentieth of the following month, the Seller shall render a bill to the Purchaser for such transactions to be payable within fifteen (15) days of receipt of said bill.

Pacific further states that any transmission charges and energy losses incurred during transmission of such economy energy shall be included as credits to the Purchaser's decremental costs.

Pacific request an effective date of September 3, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,

385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29635 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-40-000]

Pacific Power & Light Co.; Filing

October 25, 1982.

Take notice that Pacific Power & Light Company (Pacific) on October 18, 1982, tendered for filing the Transmission Agreement between Bonneville Power Administration (Bonneville) and Pacific executed on September 27, 1979. The Transmission Agreement provides for certain transmission services to be provided by Bonneville and the exchange transmission capacity between Bonneville and Pacific.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective 60 days from the date of this filing.

Copies of this filing were served upon Bonneville Power Administration.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29636 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-38-000]

Public Service Co. of New Hampshire; Filing

October 25, 1982.

Take notice that on October 15, 1982, the Public Service Company of New Hampshire (PSNH) tendered for filing an initial rate for transmission service to be provided to Boston Edison Company and Massachusetts Municipal Wholesale Electric Company by PSNH over its Pool Transmission Facilities system.

The rate applicable to the provision of transmission service is $8.54 per KW, per year, determined pursuant to the formula contained in FERC Electric Tariff Original Volume No. 1, filed by PSNH on December 7, 1981, as revised, and pursuant to the formula in said tariff the rate will be updated annually as provided therein.

PSNH requests an effective date of November 1, 1982.

Copies of the filing were served upon Boston Edison Company, Massachusetts Municipal Wholesale Electric Company, the New Hampshire Public Utilities Commission and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29637 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-105-000]

Sierra Pacific Power Co.; Request for Further Order

October 21, 1982.

Take notice that on October 8, 1982, Sierra Pacific Power Company filed a request that the Commission issue a further order in Docket No. ER82-105-000 amending an earlier settlement agreement that was accepted and approved by the Commission on August 2, 1982. Sierra Pacific seeks modification of that portion of the Commission's letter order which states that "approval of this settlement shall not constitute approval of or precedent regarding any principle or issue in this proceeding." Sierra Pacific requests that the letter order be amended to specifically recognize that the underlying cost support which accompanied the original filing was based on full normalization of all method and life timing differences. Such an amendment, ordered on or before January 1, 1983, would qualify Sierra Pacific for substantial Accelerated Cost Recovery System (ACRS) benefits under the Economic Recovery Tax Act of 1981 (26 USC 168).

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 29, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the original filing, the settlement agreement, and the letter requesting issuance of the further order are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29645 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP80-24-000]

Transcontinental Gas Pipe Line Corp.; Finality of Order Dismissing Protests

October 22, 1982.

On September 16, 1982, the Chief Administrative Law Judge issued an order in this proceeding dismissing protests pertaining to contracts covered by Section 102, 103 or 107(C) (1)-(4) of the Natural Gas Policy Act of 1978. No party filed exceptions to the judge's order, and the Commission decided not to initiate review of the order. Accordingly, the judge's order is a final order of the Commission pursuant to Rule 712(a) of the Commission's Rules of practice and Procedure.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29638 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP82-125-003 and CP82-125-004 and Docket Nos. CP82-385-000]

Trans-Niagara Pipeline and Transcontinental Gas Pipe Line Corp.; and Environmental Inspection of the Route and Alternatives

October 22, 1982.

Notice is given that from November 3 to November 5, 1982, members of the staff of the Federal Energy Regulatory Commission, accompanied by technicians representing the applicants, will conduct an environmental inspection of the routes of the facilities proposed in the applications identified above and alternatives to them. The inspection will be made by overflight of the proposed and alternative routes in a helicopter provided by the companies. Because of the restricted carrying capacity of the aircraft, parties wishing to join this inspection will need to arrange for their own transportation.

Additional information about the field inspection is available from Mr. Kenneth Frye, Project Manager, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, telephone (202) 357-9039.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29622 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP80-26-000]

Trunkline Gas Co.; Finality of Order Dismissing Protests

October 22, 1982.

On September 15, 1982, the Chief Administrative Law Judge issued an order in this proceeding dismissing protests pertaining to contracts covered by Section 102, 103 or 107(C)(1)-(4) of the Natural Gas Policy Act of 1978. No party filed exceptions to the judge's order, and the Commission decided not to initiate review of the order. Accordingly, the judge's order is a final order of the Commission pursuant to Rule 712(a) of the Commission's Rules of Practice and Procedure.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29647 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-85-001]

Trunkline LNG Co.; Filing of Change in FERC Gas Tariff

October 22, 1982.

Take notice that Trunkline LNG Company (Trunkline LNG) on October 14, 1982 tendered for filing First Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1. This revised tariff sheet will become effective, subject to refund, on October 16, 1982, the day after initial deliveries.

Trunkline LNG states that this filing reflects a reduction in the interim rate included in its pending cost of service tariff, which is the subject of this proceeding, from $7.38 per MMBtu $7.16 per MMBtu. Trunkline LNG states that this reduction solely reflects the change in the cost of LNG, effective July 1, 1982, pursuant to Article VIII of the LNG Supply Contract, as authorized by previous commission orders in Docket No. CP74-138, *et. al.*

Trunkline LNG states that copies of this filing were served on Trunkline Gas Company, Trunkline Gas Company's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C., 20426, in accordance with Section 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All such petitions or protests be filed on or before Oct. 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29623 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-34-000]

Utah Power & Light Co.; Filing

October 22, 1982.

Take notice that on October 15, 1982, Utah Power & Light Company (Utah) tendered for filing a change in rates under a Residential Purchase and Sale Agreement between Utah and the Bonneville Power Administration (BPA).

Utah states that the Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501. The Agreement provides for the exchange of electric power between Utah and BPA for the benefit of Utah's residential and farm customers in the State of Idaho.

Utah proposes an effective date of October 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon BPA and the Idaho Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29648 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2408-003]

Alabama Power Co., Mount Vernon Mills, Inc.; Application for Transfer of Major License

October 25, 1982.

Take notice that Alabama Power Company and Mount Vernon Mills, Inc., joint Licensees for the Thurlow Project, FERC No. 2874, have requested that the project license be transferred to Alabama Power Company, which would become the sole Licensee for the project. The Thurlow Project is located on the Tallapoosa River in Tallapoosa and Elmore Counties, Alabama. The project installed capacity is 58, 000 kilowatts.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 6, 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 "MOTION 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29665 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3521-001]

Atlantic Power Development Corp.; Surrender of Preliminary Permit

October 25, 1982.

Take notice that Atlantic Power Development Corporation, (APDC), Permittee for the Monongahela River Lock and Dam No. 7 Project No. 3521 located on the Monongahela River in Allegheny County, Pennsylvania has requested that its preliminary permit be terminated. The preliminary permit was issued on October 27, 1981, and would have expired October 1, 1983.

APDC states that due to pending renovations of the dam by the Corps of Engineers the project is rendered infeasible.

APDC's request was dated September 28, 1982. The surrender of the permit for Project No. 3521 is effective as of the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29666 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6693-000]

James W. Guercio; Application for Preliminary Permit

October 25, 1982.

Take notice that James W. Guercio (Applicant) filed on September 20, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6693 to be known as the Caribou Ranch II Project located on the North Boulder Creek in Boulder County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: James W. Guercio, Caribou Ranch, P.O. Box 310, Nederland, Colorado 80466.

Project Description—The proposed project would consist of the following: (1) A proposed 25-foot-long, 10-foot-wide and 6-foot-high diversion and intake structure; (2) a proposed 11,000-foot-long, 18-inch diameter penstock; (3) a proposed 500-square-foot powerhouse containing a turbine/generator unit with an installed capacity of 800-kW; (4) a proposed tailrace; (5) a proposed 500-foot-long transmission line; and (6) appurtenant facilities. The estimated annual energy production of 5,500 MWh would be exchanged/sold to Public Service Company of Colorado.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before January 25, 1983, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before December 27, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commssion's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before December 27, 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 "MOTION 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 motion 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. 82-29667 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6393-001]

Lawrence J. McMurtrey; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

October 25, 1982.

Take notice that on September 8, 1982, Lawrence J. McMurtrey (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. 6393 would be located on Goodman and Murphy Creeks within Mt. Baker-Snoqualmie National Forest near the town of Darrington in Snohomish County, Washington. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122 196th N.E., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) Two 2-foot-high diversion structures; (2) two 24-inch-diameter pipelines, one 9,240 feet long, the other 3,036 feet long connecting with; (3) a 30-inch-diameter, 3,330-foot-

long penstock; (4) a powerhouse to contain a generating unit with a rated capacity of 3,260 kW, operating under a head of 1,479 feet; (5) a tailrace; and (6) appurtenant facilities. The estimated average annual energy output is 14.25 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 Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to file 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 file with the Commission, on or before December 13, 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. Filing 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 Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 18, 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 "MOTION 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 motion 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. 82-29668 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6403-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

October 25, 1982.

Take notice that on June 3, 1982, Western Hydro Electric, 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 No. 6403 would be located on Swift Creek within Mt. Baker National Forest in Whatcom County, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Vice President, Western Hydro Electric, Inc., 50 S. Main St., Suite 600, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) A 6-foot-high concrete diversion structure; (2) a 48-inch-diameter, 16,000-foot-long penstock; (3) a powerhouse containing two generating units with a combined rated capacity of 4,800 kW, operating under a head of 1,200 feet; and (4) appurtenant facilities.

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 Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to file 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 comment 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 file with the Commission, on or before December 13, 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. Filing 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 Motions To Intervene–Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 F.R. 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 13, 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 "MOTION 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 motion 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. 82-29671 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6402-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

October 25, 1982.

Take notice that on June 3, 1982, Western Hydro Electric, 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 No. 6402 would be located on Rainbow Creek within Mt. Baker National Forest in Whatcom County, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Vice President, Western Hydro Electric, Inc., 50 S. Main St., Suite 600, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) A 6-foot-high concrete diversion structure; (2) a 42-inch-diameter, 11,000-foot-long penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 3,650 kW, operating under a head of 1,190 feet; and (4) appurtenant facilities.

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 Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to file 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 relevent 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 file with the Commission, on or before December 13, 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. Filing 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 Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 13, 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 "MOTION 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 motion 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. 82-29670 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53042; TSH-FRL 2234-5]

Premanufacture Notices; Monthly Status Report for September 1982

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the Federal Register at the beginning of each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for September 1982.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E-106 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays

ADDRESS: Written comments are to be identified with the document control number "[OPTS-53042]" and the specific PMN number should be sent to: Document Control Officer TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW., Washington, DC 20460, (202-282-3532).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M Street, SW., Washington, DC 20460, (202-382-3746).

SUPPLEMENTARY INFORMATION: The monthly status report published in the Federal Register as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during September; (b) PMNs received previously and still under review at the end of September; (c) PMNs for which the notice review period has ended during September; (d) chemical substances for which EPA has received a notice of commencement to manufacture during September; and (e) PMNs for which the review period has been suspended. Therefore, the September 1982 PMN Status Report is being published.

Dated: October 20, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

Premanufacture Notices Monthly Status Report September 1982

I. 69 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH

PMN No.	Identity/generic name	FR citation	Expiration date
82-641	Generic name: Substituted ammonium sulfonate	47 FR 39885 (9/10/82)	Nov. 29, 1982.
82-642	Generic name: Organophosphorus compound	47 FR 41165 (9/17/82)	Dec. 1, 1982.
82-643	Generic name: Organophosphorus compound	47 FR 41166 (9/17/82)	Do.
82-644	Generic name: Alkylene ether diol	47 FR 41166 (9/17/82)	Do.
82-645	Generic name: Condensate of formaldehyde and an organic base	47 FR 41166 (9/17/82)	Do.
82-646	Generic name: Cobalt complex-[hydroxynitro-phenyl-azo)-(substituted)phenyl pyrazolones], sodium salt.	47 FR 41166 (9/17/82)	Do.
82-647	Generic name: [(Benzoquinolinyl)-(imidazolyl-methylene)]-indenedione derivative, mixed salt	47 FR 41166 (9/17/82)	Do.
82-648	Generic name: [(Benzoquinolinyl)-(imidazolyl-methylene)]-indenedione derivative, mixed salt	47 FR 41166 (9/17/82)	Do.
82-649	Generic name: Benzene dicarboxylic acid polyester	47 FR 41166 (9/17/82)	Do.
82-650	Generic name: Pentasubstituted pentanamide	47 FR 41166 (9/17/82)	Do.
82-651	Generic name: Metal complexed substituted aromatic salt	47 FR 41166 (9/17/82)	Dec. 5, 1982.
82-652	Generic name: Metal complexed substituted aromatic salt	47 FR 41166 (9/17/82)	Do.
82-653	Generic name: Metal complexed substituted aromatic salt	47 FR 41166 (9/17/82)	Do.
82-654	Generic name: Mixed complexed substituted aromatic salt	47 FR 41166 (9/17/82)	Do.
82-655	Generic name: Substituted acrylamide copolymer	47 FR 41166 (9/17/82)	Do.
82-656	Generic name: Polymer of disubstituted benzenes and disubstituted alkane	47 FR 41167 (9/17/82)	Dec. 7, 1982.
82-657	Generic name: Sulfonated vinylic polymer	47 FR 41167 (9/17/82)	Do.
82-658	Generic name: Substituted pyrazine salt	47 FR 42152 (9/24/82)	Dec. 8, 1982.
82-659	Generic name: Substituted succinic anhydride	47 FR 42152 (9/24/82)	Do.
82-660	Generic name: Polycarboxylic anhydride polymer	47 FR 42152 (9/24/82)	Do.
82-661	Generic name: Modified polyurethane	47 FR 42152 (9/24/82)	Do.
82-662	Generic name: Modified polyurethane	47 FR 42152 (9/24/82)	Do.
82-663	Generic name: Modified diol	47 FR 42152 (9/24/82)	Do.
82-664	Generic name: 4-hydroxy-N-substituted-3-nitro-benzenesulfonamide	47 FR 42152 (9/24/82)	Do.
82-665	Generic name: 3-amino-4-hydroxy-N-substituted benzenesulfonamide	47 FR 42152 (9/24/82)	Do.
82-666	Generic name: Oleic, linoleic and palmitic acids	47 FR 42152 (9/24/82)	Dec. 12, 1982.
82-667	Generic name: Cyclic aldehyde	47 FR 42152 (9/24/82)	Do.
82-668	Poly(oxy-1, 2-ethanediyl) alpha-C_{12}-C_{14} alkyloxy-omega methoxy	47 FR 42152 (9/24/82)	Do.
82-669	Generic name: Unsaturated polyester with halo-genated glycol	47 FR 42153 (9/24/82)	Dec. 13,1982.
82-670	Generic name: Oxirane polymer of isocyanic acid ester	47 FR 42153 (9/24/82)	Do.
82-671	Generic name: Vinyl chloride-ethylene co-polymer	47 FR 42153 (9/24/82)	Dec. 14, 1982.
82-672	Generic name: Substituted polyethyleneamine polyisobutenylsuccinimide	47 FR 42153 (9/24/82)	Do.
82-673	Generic name: Substituted polyethyleneamine polyisobutenylsuccinimide	47 FR 42153 (9/24/82)	Do.
82-674	Hexa-aquomagnesium (II) bis(2-carboxylatomono-peroxy-benzoic acid)	47 FR 42153 (9/24/82)	Do.
82-675	Generic name: Isocyanate terminated polyester-ether polyurethane prepolymer	47 FR 43160 (9/30/82)	Dec. 15, 1982.
82-676	Generic name: Heterocyclic, aromatic methane	47 FR 43161 (9/30/82)	Do.
82-677	Generic name: Chromium complex of a substituted phenolazophenylpyrazolone	47 FR 43161 (9/30/82)	Do.
82-678	Generic name: Chlorinated aromatic azo anthraquinone pigment	47 FR 43161 (9/30/82)	Do.
82-679	Generic name: Chlorinated aromatic azo pigment	47 FR 43161 (9/30/82)	Dec. 18, 1982.
82-680	2-propenoic acid, 2-hydroxyethyl ester, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, -hydro-w-hydroxy poly(oxy-1,2-ethanediyl), 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethy-cyclohexane and 2 oxepanone.	47 FR 43161 (9/30/82)	Do.
82-681	Generic name: Chromium complex of a sulfoaphthylazophenylpyrazolone	47 FR 43161 (9/30/82)	Dec. 19, 1982.
82-682	Generic name: Polyester from an alkanedioic acid, carbomonocyclic anhydride and substituted alkane diols.	47 FR 43161 (9/30/82)	Do.
82-683	Generic name: Halogenated ketone	47 FR 43161 (9/30/82)	Do.
82-684	Generic name: Halogenated hydrocarbon	47 FR 43161 (9/30/82)	Do.
82-685	Generic name: Diethylene glycol ether	47 FR 43161 (9/30/82)	Do.
82-686	Generic name: Disubstituted-1-naphthol	47 FR 43161 (9/30/82)	Do.
82-687	Generic name: Methacrylate copolymer	47 FR 43161 (9/30/82)	Do.
82-688	Generic name: Acrylate copolymer solution	47 FR 43162 (9/30/82)	Do.
82-689	Generic name: Alklyl amino ethoxy ethanol	47 FR 43162 (9/30/82)	Dec. 20, 1982.
82-690	Generic name: [Hydroxy(methylsulfonyl)phenyl]azo substituted heteromonocycle, metal complex (2:1), compd. alkanamine(1:1).	47 FR 44608 (10/8/82)	Dec. 21, 1982.

I. 69 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
82-691	Generic name: Ethylene interpolymer	47 FR 44608 (10/8/82)	Dec. 22, 1982.
82-692	Generic name: Substituted glycine complex	47 FR 44608 (10/8/82)	Do.
82-693	Generic name: 1,1-dimethylethyl peroxyester	47 FR 44608 (10/8/82)	Do.
82-694	Generic name: Trialkyl dioxane	47 FR 44608 (10/8/82)	Dec. 25, 1982.
82-695	Generic name: Alkyl bicyclononane	47 FR 44608 (10/8/82)	Do.
82-696	Generic name: Alkyl spirononane	47 FR 44608 (10/8/82)	Do.
82-697	Generic name: Alkyl spirodecane	47 FR 44609 (10/8/82)	Do.
82-698	Generic name: Aminosulfur compound	47 FR 44609 (10/8/82)	Do.
82-699	Generic name: Unsaturated polyester	47 FR 44609 (10/8/82)	Do.
82-700	Generic name: Alkyd resin	47 FR 44609 (10/8/82)	Do.
82-701	Generic name: Aromatic disazo dye	47 FR 44609 (10/8/82)	Dec. 26, 1982.
82-702	Generic name: Metal complexed, substituted aromatic azo compound	47 FR 44609 (10/8/82)	Do.
82-703	Generic name: Reaction product of coco glycerides, sulfur, and polyalkylene-substituted phenol condensation product with aldehyde and mixed amines.	47 FR 44609 (10/8/82)	Do.
82-704	Generic name: Reaction product of carboxylic acid, sulfur, and polyalkylene-substituted phenol condensation product with aldehyde and mixed amines.	47 FR 44609 (10/8/82)	Do.
82-705	Generic name: Epoxy urethane	47 FR 44609 (10/8/82)	Do.
82-706	Generic name: Sulfophenylazonaphthyl dye	47 FR 44609 (10/8/82)	Do.
82-707	Generic name: Neutralized reaction product of an alkanedioic acid and substituted alkanes	47 FR 44609 (10/8/82)	Do.
82-708	Generic name: Ester of diazo-naphthoquinone	47 FR 44609 (10/8/82)	Dec. 27, 1982.
82-709	Generic name: Dibasic acid esters of monohydric	47 FR 44609 (10/8/82)	Do.

II. 110 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity/generic name	FR citation	Expiration date
82-156	Methyl-{trifluoromethyl-poly-(oxy-difluoro-methylene)-poly-[oxy-2-(trifluoromethyl)-trifluoroethylene]oxy} difluoromethyl carboxylate.	47 FR39241 (9/7/82)	Nov. 21, 1982.
82-157	Trifluoromethyl-poly-(oxydifluoro-methylene)-poly-[oxy-2-(trifluoromethyl)-trifluoro-ethylene]oxy-difluoromethyl carboxylic acid.	47 FR 39241 (9/7/82)	Do.
82-158	2-{trifluoromethyl-poly-(oxy-difluoromethylene)-poly-[oxy-2-(trifluoromethyl)-trifluoro-ethylene]oxy} 2,2 difluoroethanol.	47 FR 39241 (9/7/82)	Do.
82-159	*Aryl*-[*aryl*-oxycarbonyl difluoromethyl-poly-(oxy-difluoromethylene)-poly-(oxydifluoromethylene)-poly-(oxytetrafluoro ethylene)oxy]-difluoromethyl-carboxylate.	47 FR 39242 (9/7/82)	Do.
82-160	Methyl[methyloxycarbonyl difluoromethyl-poly-(oxydifluoromethylene)-poly-(oxy tetrafluoro ethylene)oxy]-difluoromethyl carboxylate.	47 FR 39242 (9/7/82)	Do.
82-161	2-(cyano difluoromethyl-poly-(oxydifluoro-methylene)-poly-(oxytetrafluoroethylene)-oxy] 2,2-difluoroacetonitrile.	47 FR 39242 (9/7/82)	Do.
82-162	2-[2,2-difluorohydroxyethyl-poly-(oxy-difluoromethylene -poly-(oxy trifluoroethylene)oxy]-2,2-difluoroethanol.	47 FR 39242 (9/7/82)	Do.
82-163	2-[2,2-difluoroaminoethyl-poly-(oxydifluoromehtylene)-poly-(oxytetrafluoroethylene)oxy] 2,2-difluoro-ehtylamine.	47 FR 39242 (9/7/82)	Do.
82-164	2-{1-[N-m-isocyanato-o-(p)-tolyl)carbamyl] 2,2-difluoroethyl-poly-(oxydifluoroethyene)-poly-tetrafluoro-ethylene)oxy} 2,2-difluoroethyl-N-(m-isocyanato-o-(p)-tolyl)-carbamate.	47 FR 39242 (9/7/82)	Do.
82-165	2[isocyanato-2,2-difluoroethyl-poly-oxydifluoro-methylene)-poly-(oxytetrafluoroethylene)oxy]-2,2-difluoroethyl isocyanate.	47 FR 39242 (9/7/82)	Do.
82-538	Generic name: Modified polymer of styrene and substituted alkyl methacrylates	47 FR 35333 (8/13/82)	Oct. 31, 1982.
82-539	Generic name: Terephthalate polyester transesterification product with dialkylene glycols and glycerine.	47 FR 35333(8/13/82)	Do.
82-540	Polymer of butyl 2-methyl-2-propenoate, ethenyl benzene, N-[(2-methylpropoxy)methyl]-2-propenamide..	47 FR 35333 (8/13/82)	Do.
82-541	Generic name: Fumarated rosin ester	47 FR 35333 (8/13/82)	Nov. 1, 1982.
82-542	Generic name: Citric acid ester	47 FR 35333 (8/13/82)	Do.
82-543	Generic name: Maleic acid ester	47 FR 35333 (8/13/82)	Do.
82-544	Generic name: Benzoic acid ester	47 FR 35333 (8/13/82)	Do.
82-545	Polymer of hexane, 1,6-diisocyanato-, hopolymer, 2-butanone, oxime	47 FR 35333 (8/13/82)	Do.
82-546	Void		
82-547	Generic name: Modified polymer of styrene and substituted alkyl methacrylates	47 FR 35333 (8/13/82)	Do.
82-548	Generic Name: Organometallic coupling agent	47 FR 35333 (8/13/82)	Do.
82-549	Void		
82-550	Generic name: Sulfoaryl disazon substituted nahthalenesulfonic acid salt	47 FR 35333 (8/13/82)	Do.
82-551	Generic name: Sulfoaryl disazo substituted naphthalenesulfonic acid salt	47 FR 35334 (8/13/82)	Do.
82-552	Generic name: Sulfoaryl disazo substituted naphthalenesulfonic acid salt	47 FR 35334 (8/13/82)	Do.
82-553	Generic name: Sulfoaryl disazo substituted naphthalenesulfonic acid salt	47 FR 35334 (8/13/82)	Do.
82-554	Generic name: Sulfoaryl disazo substituted naphthalenesulfonic acid salt	47 FR 35334 (8/13/82)	Do.
82-555	Generic name: Sulfoaryl disazo substituted naphthalenesulfonic acid salt	47 FR 35334 (8/13/82)	Do.
82-556	Generic name: Sulfoaryl disaxo substituted naphthalenesulfonic acid salt	47 FR 35334 (8/13/82)	Do.
82-557	Generic name: Acetamidodimethylsiloxane	47 FR 35334 (8/13/82)	Nov. 2 1982.
82-558	Generic name: Acetamidodimethylsiloxane	47 FR 35334 (8/13/82)	Do.
82-559	Generic name: Disubstituted benzene	47 FR 35334 (8/13/82)	Do.
82-560	Generic name: Polymer of the homopolymer of hexane, 1,6-diisocyanato-, substituted alkyl alkanoates and a benzene derivative.	47 FR 35334 (8/13/82)	Do.
82-561	Generic name: Substituted unsaturated polycyclic alcohol	47 FR 35334 (8/13/82)	Nov. 3, 1982.
82-562	Generic name: 1-Naphthalenesulfonic acid, ((((triazin)amino)disulfo)azo)-, trisodium salt	47 FR 36469 (8/20/82)	Nov. 7, 1982.
82-563	Ethyllithium	47 FR 36469 (8/20/82)	Do.
82-564	Generic name: Aliphatic polyol oligoacrylate oligopropionate	47 FR 36469 (8/20/82)	Nov. 8, 1982.
82-565	Generic name: Alkenyl alkanoate ester	47 FR 36469 (8/20/82)	Nov. 9, 1982.
82-566	Generic name: Heteromonocycle, substituted	47 FR 36469 (8/20/82)	Do.
82-567	Generic name: Heteromonocycle, substituted	47 FR 36469 (8/20/82)	Do.
82-568	Generic name: Chromophore substituted poly(oxy-alkylene)	47 FR 36469 (8/20/82)	Do.
82-569	Generic name: Epoxidized hydroxystearic acid	47 FR 36469 (8/20/82)	Nov. 10, 1982.
82-570	Generic name: Amino acid modified polyester	47 FR 37954 (8/27/82)	Nov. 13, 1982.
82-571	Generic name: Orthophthalic anhydride modified unsaturated polyester resin	47 FR 37954 (8/27/82)	Do.
82-572	Generic name: Organophosphorous compound	47 FR 37954 (8/27/82)	Do.
82-573	Generic name: Pentasubstituted pentanamide	47 FR 37954 (8/27/82)	Nov. 14, 1982.
82-574	Generic name: Glycol ester of fatty acids	47 FR 37954 (8/27/82)	
82-575	Void		
82-576	Generic name: Unsaturated polyester	47 FR 37954 (8/27/82)	Do.
82-577	Generic name: Unsaturated polyester	47 FR 37954 (8/27/82)	Do.
82-578	Generic name: Unsaturated polyester	47 FR 37954 (8/27/82)	Do.

II. 110 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
82-579	Generic name: Unsaturated polyester	47 FR 37954 (8/27/82)	Do.
82-580	Generic name: Salt of sulfosuccinic diester	47 FR 37954 (8/27/82)	Do.
82-581	Generic name: N-alkyl-1,3-diamine propane salts of mixed mono and dialkyl hydrogen phosphate.	47 FR 37954 (8/27/82)	Do.
82-582	Generic name: N-alkyl-1,3-diamine propane salts of mixed mono and dialkyl hydrogen phosphate.	47 FR 37955 (8/27/82)	Do.
82-583	Generic name: N-alkyl-1,3-diamine propane salts of mixed mono and dialkyl hydrogen phosphate.	47 FR 37955 (8/27/82)	Do.
82-584	Dimethyl ester of 4,4'-(hydroxymethylene)bis-1, 2-benzenedicarboxylic acid	47 FR 39242 (9/7/82)	Nov. 17, 1982.
82-585	Polymer of dimethyl ester of 4,4'-(hydroxymethylene)bis-1,2-benzenedicarboxylic acid with 4,4'-methylenedianiline.	47 FR 39242 (9/7/82)	Do.
82-586	Generic name: Ethyl ester of tertiary butyl carbomonocyclic acid	47 FR 39242 (9/7/82)	Do.
82-587	Generic name: Alkylbenzenesulfonic acid compound with dialkyl fatty amine	47 FR 39242 (9/7/82)	Do.
82-588	4-(1,1-dimethylethyl)pyridine	47 FR 39242 (9/7/82)	Do.
82-589	Generic name: Cresol novolac modified methacrylic epoxy ester	47 FR 39242 (9/7/82)	Nov. 20, 1982.
82-590	Generic name: Fatty acid esters of monohydric alcohol	47 FR 39242 (9/7/82)	Nov. 21, 1982.
82-591	Generic name: Fatty acid esters of monohydric alcohol	47 FR 39243 (9/7/82)	Do.
82-592	Generic name: Polyester polymer	47 FR 39243 (9/7/82)	Do.
82-593	Generic name: Polyester polymer	47 FR 39243 (9/7/82)	Do.
82-594	Generic name: Polymer of alkyl and substituted alkyl acrylates	47 FR 39243 (9/7/82)	Do.
82-595	Generic name: Di(substitutedalkyl)dimethyl-ammonium salt	47 FR 39243 (9/7/82)	Do.
82-596	Generic name: Di(substitutedalkyl)dimethyl-ammonium salt	47 FR 39243 (9/7/82)	Do.
82-597	Vinyl acetate-N-methylolacrylamide copolymer	47 FR 39243 (9/7/82)	Nov. 22, 1982.
82-598	Ethyl acrylate homopolymer	47 FR 39243 (9/7/82)	Do.
82-599	Vinyl acetate-ethyl acrylate-N methylol acrylamide polymer	47 FR 39243 (9/7/82)	Do.
82-600	Butyl acrylate-vinyl acetate copolymer	47 FR 39243 (9/7/82)	Do.
82-601	Ethyl acrylate-methyl methacrylate copolymer	47 FR 39243 (9/7/82)	Do.
82-602	Generic name: Mixed glycol oligoesters of mixed dicarboxylic acids	47 FR 39243 (9/7/82)	Do.
82-603	Generic name: Mixed glycol oligoesters of aromatic diocarboxylic acid	47 FR 39243 (9/7/82)	Do.
82-604	Generic name: Monoureido silanne ester	47 FR 39244 (9/7/82)	Do.
82-605	Generic name: Thiadiazole derivative	47 FR 39244 (9/7/82)	Do.
82-606	Ethyl-[trifluoromethyl-poly-[oxy difluoro-methylene)-poly-]oxy-2-trifluoromethyl-tri-fluoromethyl-trifluoroethylene]oxy} difluoro-methyl carboxylate.	47 FR 39244 (9/7/82)	Nov. 23, 1982.
82-607	Isopropyl-[trifluoromethyl-poly-(oxydifluoro-methylene)-poly-[oxy-2-trifluoromethyl)-tri-fluoroethylene]oxy] difluoromethyl carboxylate.	47 FR 39244 (9/7/82)	Do.
82-608	Ethyl[ethyl oxycarbonyl difluoromethyl-poly-(oxydifluoromethylene)-poly-(oxytetrafluoro-ethylene)oxy]difluoromethyl carboxylate.	47 FR 39244 (9/7/82)	Do.
82-609	Isopropyl[methyl oxycarbonyl difluoromethyl-poly-(oxydifluoromethylene)-poly-(oxytetrafluoro-ethylene)oxy]difluoromethyl carboxylate.	47 FR 39244 (9/7/82)	Do.
82-610	2-[2,20-difluorohydroxyethyl-poly-(oxydifluoro-methylene)-poly-(oxytrifluoroethylene)oxy]-2,2-difluoroethanol.	47 FR 39244 (9/7/82)	Do.
82-611	2-[2,2-difluorohydroxyethyl-poly-(oxydifluoro-methylene)-poly-(oxytrifluoroethylene)oxy]-2,2-difluoroethanol.	47 FR 39244 (9/7/82)	Do.
82-612	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 25°–35°.	47 FR 39244 (9/7/82)	Do.
82-613	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 35°–50°.	47 FR 39244 (9/7/82)	Do.
82-614	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 50°–60°.	47 FR 39244 (9/7/82)	Do.
82-615	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 60°–75°.	47 FR 39244 (9/7/82)	Do.
82-616	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 75°–90°.	47 FR 39245 (9/7/82)	Do.
82-617	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 90°–105°.	47 FR 39245 (9/7/82)	Do.
82-618	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 105°–120°.	47 FR 39245 (9/7/82)	Do.
82-619	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 120°–140°.	47 FR 39245 (9/7/82)	Do.
82-620	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 140°–165°.	47 FR 39245 (9/7/82)	Do.
82-621	Mixed C_5–C_{18} perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 165°-180°.	47 FR 39245 (9/7/82)	Do.
82-622	Mixed C_5–C_{18} perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 180°-190°.	47 FR 39245 (9/7/82)	Do.
82-623	Mixed C_5–C_{18} perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 190°-200°.	47 FR 39245 (9/7/82)	Do.
82-624	Mixed C_5–C_{18} perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 200°-220°.	47 FR 39245 (9/7/82)	Do.
82-625	Mixed C_5–C_{18} perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 220°-235°.	47 FR 39246 (9/7/82)	Do.
82-626	Mixed C_5–C_{18} perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 235°-255°.	47 FR 39246 (9/7/82)	Do.
82-627	Generic name: Modified polyester	47 FR 39884 (9/10/82)	Do.
82-628	Generic name: Polyacrylate	47 FR 39885 (9/10/82)	Do.
82-629	Dimethyl hydantoin, formaldehyde, toluene sulfonamide condensation product	47 FR 39885 (9/10/82)	Do.
82-630	Generic name: Unsaturated alkyl fatty amine	47 FR 39885 (9/10/82)	Do.
82-631	Generic name: Unsaturated amine adduct	47 FR 39885 (9/10/82)	Do.
82-632	Generic name: Fatty secondary amide	47 FR 39885 (9/10/82)	Do.
82-633	Generic name: Fatty secondary amide	47 FR 39885 (9/10/82)	Do.
82-634	Generic name: Fatty secondary amide	47 FR 39885 (9/10/82)	Do.
82-635	Generic name: Alkyl acid esters	47 FR 39885 (9/10/82)	Do.
82-636	Generic name: Alkyl ester	47 FR 39885 (9/10/82)	Do.
82-637	Generic name: Stearyl methacrylate co-polymer	47 FR 39885 (9/10/82)	Do.
82-638	Ethanol 2,2'-[sulfonyl bis(4,1-phenyleneoxy)]bis	47 FR 39885 (9/10/82)	Do.
82-639	Generic name: Polyacrylate copolymer	47 FR 39885 (9/10/82)	Do.
82-640	Generic name: Amino modified polyester	47 FR 39885 (9/10/82)	Do.

III. 66 Premanufacture Notices for Which the Notice Review Period has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.	Identity/generic name	FR citation	Expiration date
82-400	Potassium N,N-bis(hydroxyethyl) cocamine oxide phosphate	47 FR 25402 (6/11/82)	Sept. 12, 1982.
82-409	Potassium N,N-bis(hydroxyethyl) tallow amine oxide phosphate	47 FR 25403 (6/11/82)	Sept. 13, 1982.
82-412	Anthra[2,1,9-def:6,5,10-d'e'f']diisoquinoline-1,3,8,10(2H,9H)-tetrone, 2,9-bis(4-aminophenyl)	47 FR 25403 (6/11/82)	Sept. 1, 1982.
82-413	Generic name: Polyether polyglycol resin polymer	47 FR 25403 (6/11/82)	Do.
82-414	Generic name: Polyester polymer	47 FR 25403 (6/11/82)	Do.
82-415	Generic name: Polyester polymer	47 FR 25403 (6/11/82)	Do.
82-416	Generic name: Urethane polyol	47 FR 25403 (6/11/82)	Do.
82-417	Generic name: Polymer of alkenes and substituted alkenes	47 FR 25403 (6/11/82)	Do.
82-418	Generic name: Hydrogen bis[1-[1-[(3,5-disubstituted-2-hydroxyphenyl)azo]-3-(N-mono-substituted)-2-naphthalenolate(2-)]chromate(1-).	47 FR 26235 (6/17/82)	Sept. 2, 1982.
82-419	Generic name: Acrylamide-acrylate copolymer	47 FR 26235 (6/17/82)	Do.
82-420	Invalid		
82-421	1-(cyclohexen-1-yl) piperidine	47 FR 26235 (6/17/82)	Sept. 5, 1982.
82-422	Generic name: Tetrasubstituted benzisoxazole	47 FR 26235 (6/17/82)	Do.
82-423	Generic name: Polyhaloalkoxyalkylphenone	47 FR 26235 (6/17/82)	Sept. 6, 1982.
82-424	Polymer of: Hexanediol, dantocol, trimethylol propane, isophthalic acid, adipic acid	47 FR 26235 (6/17/82)	Do.
82-425	Generic name: Polyester of a substituted alkanoic ester, alkanoic diols and a carbomonocyclic diacid.	47 FR 26235 (6/17/82)	Do.
82-426	Generic name: Substituted cyclopentadiene	47 FR 26235 (6/17/82)	Sept. 7, 1982.
82-427	Generic name: Alkoxylated aliphatic glycol	47 FR 26235 (6/17/82)	Do.
82-428	Generic name: Acrylated alkoxylated aliphatic glycol	47 FR 26235 (6/17/82)	Do.
82-429	Generic name: Ethoxylated molybdenum amine	47 FR 26235 (6/17/82)	Do.
82-430	Generic name: Tetrasubstituted benzisoxazole	47 FR 26235 (6/17/82)	Do.
82-431	Generic name: Isocyanic acid, polymethylene polyphenylene ester polymer with modified polyalkylene glycol.	47 FR 26235 (6/17/82)	Do.
82-433	Found to be on the Inventory		
82-434	Generic name: Polyquaternary methacrylamide ammonium acetate	47 FR 27610 (6/25/82)	Sept. 12, 1982.
82-435	Generic name: Poly[oxy(methyl-1,2-ethanediyl)] aliphatic ether amide of dialkenoic acid	47 FR 27610 (6/25/82)	Do.
82-436	Soyabean oil polymer with maleic anhydride, neopentyl glycol, tetrahydrophthalic anhydride and trimethylol propane.	47 FR 27610 (6/25/82)	Do.
82-437	Generic name: Modified polyester of a carbomonocyclic anhydride and a substituted alkanediol.	47 FR 27610 (6/25/82)	Do.
82-438	Generic name: Aromatic amine ester	47 FR 27610 (6/25/82)	Do.
82-439	Generic name: Sulphonated phenyl arsine dibromide	47 FR 27610 (6/25/82)	Do.
82-440	Generic name: Copolyesters	47 FR 27611 (6/25/82)	Sept. 13, 1982.
82-441	Generic name: Alkylphenol, formaldehyde, alkanolamine, alkylene oxides reaction product	47 FR 27611 (6/26/82)	Do.
82-442	Generic name: Aromatic acids, polyether polyol alkyd	47 FR 27611 (6/25/82)	Do.
82-443	Generic name: Alkyl substituted mercaptan	47 FR 27611 (6/25/82)	Sept. 14, 1982.
82-444	Further clarification needed on chemical identity.		
82-445	Withdrawn.		
82-446	Generic name: Substituted imidazolidinone	47 FR 28994 (7/2/82)	Sept. 16, 1982.
82-447	Generic name: Substituted imidazolidinone	47 FR 28994 (7/2/82)	Do.
82-448	Generic name: A reaction product of phenylene-bis[[[(butane derivative)-substituted]-phenyl]azo], compound with organic acids.	47 FR 28995 (7/2/82)	Do.
82-449	1-cyclohexen-1-amine, N,N-dibutyl	47 FR 28995 (7/2/82)	Sept. 19, 1982.
82-450	Generic name: Amino alkyl alkoxy silanes	47 FR 28995 (7/2/82)	Do.
82-451	Generic name: Metal complexed disazo compound	47 FR 28995 (7/2/82)	Do.
82-452	Generic name: Benzoxazole oxazolidinone	47 FR 28995 (7/2/82)	Do.
82-453	Generic name: Benzoxazolium salt	47 FR 28995 (7/2/82)	Do.
82-454	Generic name: Saturated polyester resin	47 FR 28995 (7/2/82)	Sept. 20, 1982.
82-455	Generic name: Polyhaloalkoxyarylamide	47 FR 28995 (7/2/82)	Do.
82-456	Generic name: Isocyanate terminated polyether polyurethane prepolymer	47 FR 28995 (7/2/82)	Do.
82-457	Generic name: Alkyd derivative from fatty acids, substituted alkanoic acids, a carbomonocyclic anhydride, polyols and esters.	47 FR 28995 (7/2/82)	Do.
82-458	Generic name: Polymer of a vegetable oil derivative, alkane diols and a carbomonocyclic anhydride.	47 FR 28995 (7/2/82)	Do.
82-459	Generic name: Silicon substituted organic ester	47 FR 28995 (7/2/82)	Do.
82-460	Generic name: Dialkyl amide of an alkenedioic acid	47 FR 28995 (7/2/82)	Sept. 21, 1982.
82-461	Generic name: Diacyl peroxide	47 FR 28996 (7/2/82)	Sept. 22, 1982.
82-462	Generic name: Trisubstituted benzoxazole	47 FR 28996 (7/2/82)	Do.
82-463	Generic name: Unsaturated polyester resin	47 FR 30103 (7/12/82)	Sept. 23, 1982.
82-464	Generic name: 2-hydroxy-3-naphthoic acid N-aryl amide	47 FR 30103 (7/12/82)	Sept. 26, 1982.
82-466	Polymer of vinyl toluene, styrene, 2 ethyl hexyl acrylate	47 FR 30103 (7/12/82)	Do.
82-467	Generic name: Aromatic aliphatic branched polyester resin	47 FR 30103 (7/12/82)	Sept. 28, 1982.
82-468	Generic name: Isocyanate terminated polyether polyurethane prepolymer	47 FR 30103 (7/12/82)	Sept. 27, 1982.
82-469	Reaction product from benzyl-1-hydroxydiphenyl ethoxylate and glycolic acid, sodium salt	47 FR 30103 (7/12/82)	Do.
82-470	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30103 (7/12/82)	Sept. 28, 1982.
82-471	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30103 (7/12/82)	Do.
82-472	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30103 (7/12/82)	Do.
82-473	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30104 (7/12/82)	Do.
82-474	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30104 (7/12/82)	Do.
82-475	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30104 (7/12/82)	Do.
82-476	Generic name: Terephthalic acid mofified unsaturated polyester resin	47 FR 30104 (7/12/82)	Do.
82-477	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30104 (7/12/82)	Do.
82-478	Generic name: Calcium salt of a substituted amino acid	47 FR 30104 (7/12/82)	Do.
82-479	Generic name: Heteropolycyclic(dihydroxyhetero-polycycle)	47 FR 30104 (7/12/82)	Sept. 29, 1982.
82-480	Generic name: Polyol polyacrylate	47 FR 30104 (7/12/82)	Do.
82-481	Generic name: Blocked urethane polymer	47 FR 31063 (7/16/82)	Sept. 30, 1982.

IV. 46 Chemical Substances for Which EPA has Received Notices of Commencement to Manufacture

PMN No.	Chemical identification	FR citation	Date of commencement
81-315	Propoxylated hydrazines	46 FR 44048 (9/2/81)	May 20, 1982.
81-337	Generic name: Epoxy resin modified with substituted organic acid	46 FR 39809 (8/3/81)	Sept. 7, 1982.
81-414	Generic name: Polyalkanediol polyurethane	46 FR 45996 (9/16/81)	Sept. 13, 1982.
81-441	Generic name: Mixed mono and dialkyldithiothiadiazoles	46 FR 47004 (9/23/81)	June 1982.

IV. 46 Chemical Substances for Which EPA has Received Notices of Commencement to Manufacture—Continued

PMN No.	Chemical identification	FR citation	Date of commencement
81-485	Generic name: Polymer of a substituted alkanediol, carbomonocyclic anhydride and a substituted alkanoic ester.	46 FR 48979 (10/5/81)	Aug. 18, 1982.
81-630	Generic name: Poly(ester)-co-poly(ether)	46 FR 62312 (12/23/81)	Sept. 1, 1982.
81-634	Generic name: Protein associated biopolymer	46 FR 62313 (12/23/81)	Sept. 7, 1982.
82-1	Generic name: Halogenated derivative of polyethylene glycol	47 FR 1409 (1/13/82)	Aug. 20, 1982.
82-26	Generic name: Substituted amine	47 FR 3595 (1/26/82)	Sept. 20, 1982.
82-62	Generic name: Hybrid urethane	47 FR 5933 (2/9/82)	Aug. 24 1982.
82-71	Generic name: Alkyl aryl amino polyol	47 FR 7311 (2/18/82)	June 15, 1982.
82-138	Generic name: Trisubstituted phenol	47 FR 8843 (3/2/82)	July 20, 1982.
82-167	Generic name: Disubstituted benzene	47 FR 10900 (3/12/82)	May 31, 1982.
82-178	Generic name: Disubstituted butanamide	47 FR 11957 (3/19/82)	June 15, 1982.
82-179	Generic name: Substituted thioic acid ester	47 FR 11957 (3/19/82)	Aug. 2, 1982.
82-180	Generic name: Disubstituted benzene	47 FR 11957 (3/19/82)	June 14, 1982.
82-210	Generic name: Disubstituted benzene	47 FR 13038 (3/26/82)	June 21, 1982.
82-211	Generic name: Disubstituted butanamide salt	47 FR 13038 (3/26/82)	June 15, 1982.
82-212	Generic name: Disubstituted benzene	47 FR 13038 (3/26/82)	July 14, 1982.
82-213	Generic name: Disubstituted benzene	47 FR 13038 (3/26/82)	June 22, 1982.
82-221	Generic name: Disubstituted benzene	47 FR 14218 (4/2/82)	July 28, 1982.
82-222	Generic name: Disubstituted benzene	47 FR 14218 (4/2/82)	July 23, 1982.
82-249	Generic name: Modified hydroxy functional acrylic copolymer	47 FR 16404 (4/16/82)	Oct. 4, 1982.
82-256	Generic name: Poly[(aminoalkylamino)alkylene oxide], aqueous solution	47 FR 16404 (4/16/82)	Sept. 15, 1982.
82-257	*m*-chlorophenyl phenyl ether	47 FR 16404 (4/16/82)	July 19, 1982.
82-273	*m*-chlorophenyl phenyl sulfide	47 FR 16405 (4/16/82)	July 26, 1982.
82-284	Methylated triphenyl phosphate residue	47 FR 17667 (4/23/82)	Sept. 21, 1982.
82-285	Isopropylated triphenyl phosphate residue	47 FR 17667 (4/23/82)	Sept. 10, 1982.
82-286	Generic name: Substituted aryl alkyl siloxane	47 FR 17667 (4/23/82)	July 20, 1982.
82-287	Generic name: Disubstituted benzene	47 FR 18652 (4/30/82)	Aug. 2, 1982.
82-288	Generic name: Polymer of disubstituted acrylic acid, disubstituted benzene and substituted acrylic acid.	47 FR 18652 (4/30/82)	Aug. 11, 1982.
82-290	Generic name: Disubstituted benzene	47 FR 18653 (4/30/82)	Aug. 2, 1982.
82-291	Generic name: Sulfonated copper phthalocyanine dye	47 FR 18653 (4/30/82)	Aug. 15, 1982.
82-320	Phenol, 4-nitroso-, magnesium salt, hexahydrate	47 FR 19782 (5/7/82)	Sept. 1, 1982.
82-329	Generic name: Poly[(aminoalkylamino)alkylene oxide]	47 FR 20853 (5/14/82)	Sept. 15, 1982.
82-369	Generic name: Benzenedicarboxylic acid saturated mixed glycols copolyester	47 FR 23553 (5/28/82)	Aug. 24, 1982.
82-370	Generic name: Benzenedicarboxylic acid saturated mixed glycols copolyester	47 FR 23553 (5/28/82)	Do.
82-373	Generic name: Poly(ester-urethane)	47 FR 23554 (5/28/82)	Aug. 23, 1982.
82-377	Generic name: Hybrid urethane	47 FR 23554 (5/28/82)	Aug. 26, 1982.
82-400	Potassium N,N-bis(hydroxyethyl) cocoamine oxide phosphate	47 FR 25402 (6/11/82)	Sept. 10, 1982.
82-409	Potassium N,N-bis(hydroxyethyl) tallow amine oxide phosphate	47 FR 25403 (6/11/82)	Do.
82-412	Anthra[2,1,9-def:6,5,10-d'e'f']diisoquinoline-1,2,8,10(2H,9H)- tetrone, 2,9-bis(4-aminophenyl)-	47 FR 25403 (6/11/82)	Sept. 21 1982.
82-429	Generic name: Ethoxylated molybdenum amine	47 FR 26235 (6/17/82)	Sept. 10, 1982.
82-435	Generic name: Poly[oxy(methyl-1,2-ethanediyl)] aliphatic ether amide of dialkenoic acid	47 FR 27610 (6/25/82)	Sept. 24, 1982.
82-438	Generic name: Aromatic amine ester	47 FR 27610 (6/25/82)	Oct. 4, 1982.
82-447	Generic name: Substituted imidazolidinone	47 FR 28994 (7/2/82)	Sept. 17, 1982.

V. 14 Premanufacture Notices for Which the Review Period has Been Suspended

PMN No.	Identity/generic name	FR citation	Date suspended
80-137	Benxeneamine, 4,4'-methylene bis [*N*-1-methy-butylidene]	45 FR 48243 (7/18/80)	Sept. 22, 1980.
80-138	Benxeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80	Do.
80-146	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt.	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
80-264	Generic name: Benzeneamine, [*N*-(1-methyl-hexylidene)-*N*-(methyl butylidene)-4,4'-methylene bis].	45 FR 73127 (11/4/80)	Dec. 24, 1980.
81-558	4-hydroxy-3-(5-(2-hydroxysulfonyloxy) ethylsulfonyl)-2-(methoxyphenylazo)-7-succinyl-amino-2-naphthalenesulfonic acid disodium salt.	46 FR 55146 (11/6/81)	Jan. 27, 1982.
81-561	4-[4-[2-(hydroxysulfonyoxy)ehtylsulfonyl]-5-methyl-2-methoxyphenylazo]-3-methyl-1-(3-sulfophenyl)-5-pyrazolone disodium salt.	46 FR 55146 (11/6/81)	Do.
81-660	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl)phenylazo)-1-naphthalene sulfonic acid disodium salt.	47 FR 1021 (1/8/82)	Mar. 28, 1982.
81-661	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl)phenylazo)-6-(3-sulfophenyl)amino-2-naphthalenesulfonic acid trisodium salt.	47 FR 1021, (1/8/82)	Do.
82-60	Generic name: Zinc, *O,O*-bis alkylphosphoro dithioate	47 FR 5932 (2/9/82)	Apr. 15, 1982.
82-387	Phosphorodithioic acid, *O,O'*, secondary butyl and isooctyl mixed esters	47 FR 25401 (6/11/82)	July 30, 1982.
82-388	Phosphorodithioic acid, *O,O'*, secondary butyl and isooctyl mixed esters, zinc salt	47 FR 25401 (6/11/82)	Do.
82-432	Reaction mixture containing: isobornyl acetyl acetate, isobornyl acetate and ethylacetylacetate	47 FR 27610 (6/25/82)	July 2, 1982.
82-465	Generic name: Quaternary ammonium chloride	47 FR 30103 (7/12/82)	Sept. 26, 1982.

[FR Doc. 82-29336 Filed 10-27-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 82-619; FCC 82-438]

American Telephone & Telegraph Co.; Applicability of the ENFIA Tariff to Certain OCC Services

AGENCY: Federal Communication Commissions.

ACTION: Order granting petition for declaratory ruling.

SUMMARY: The Commission grants, in part, an emergency petition filed by AT&T seeking a declaratory ruling regarding the applicability of the ENFIA charges to certain OCC MTS/WATS-type services incorporating resold facilities. The Commission holds that exchange usage by any interstate MTS/WATS-type switched message service should be paid for under ENFIA (or separations in the case of resold MTS or WATS) once—but only once—at each end.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Aileen Amarandos, Common Carrier Bureau at (202) 632-6910.

SUPPLEMENTARY INFORMATION:

Adopted October 6, 1982.

Released October 19, 1982.

In the matter of American Telephone and Telegraph Company, Applicability of the ENFIA Tariff to Certain OCC Services; CC Docket No. 82–619; order.

1. On August 19, 1982, the American Telephone and Telegraph Company (AT&T), on its own behalf and on behalf of the Bell System Operating Companies (BSOCs) filed an emergency petition asking us to declare: (1) That MCI's usage of local exchange facilities in providing interstate MTS/WATS-type services is governed by the BSOC 8 (ENFIA) tariff (except for resale of MTS and WATS), whether or not such services involve use of facilities leased from other carriers, and (2) that MCI's failure to make payments required by that tariff is unlawful. In response to public notices inviting public comment on this petition, pleadings were filed by the Association of Long Distance Telephone Companies (ALTEL); MCI Telecommunications Corporation (MCI); jointly by Satelco, Incorporated, Tel Systems Management Corporation and Teltec Saving Communications Company (Joint Resellers); Sourthern Pacific Communications Company (SPCC); and U.S. Telephone Communications, Incorporated (U.S. Tel).

2. In their comments, these Other Common Carriers (OCCs) and resellers urge us either to recognize an exemption from the application of the ENFIA tariff in instances where exchange connections are obtained through resold facilities and services, or to recognize a categorical exemption from ENFIA for "pure resellers" who do not use any of their own facilities in the provision of intercity services. In light of the terms of applicability of the ENFIA tariff, and the lack of any modification of the tariff, we find that ENFIA charges apply to each end of MCI's MTS/WATS-like services regardless of whether any segment of the network over which those services are provided incorporates resold facilities. Therefore, for reasons discussed more fully below, and to the extent indicated, AT&T's petition is granted.

I. Background

3. The ENFIA tariff establishes charges to be paid by OCCs for access to BSOC local exchange facilities in the provision of end-to-end MTS/WATS-like services. The ENFIA tariff is an interim "rough justice" arrangement based on a negotiated agreement between AT&T and serval of the OCCs including MCI. The agreement provides for the calculation of charges for three separate elements. Element 1 applies to the line between the OCC switch and the telephone company Class 5 local exchange switch. The specific rates for Element 1 are determined by reference to charges for such lines in other telephone company tariffs. Element 2 covers the use of the traffic sensitive switching and trunking facilities, and Element 3 provides a mechanism for simulating the compensation local carriers receive for MTS or WATS use of non-traffic sensitive (NTS) local exchange plant.

4. We initially accepted the ENFIA Agreement in 1979 and allowed the implementing BSOC 8 tariff to go into effect for three years. *Exchange Network Facilities for Interstate Access (ENFIA)*, 71 FCC 2d 440 (1979). In accordance with the terms of the original agreement, we recently found that, since a more permanent access charge mechanism has not yet been implemented, the public interest would be served by an extension of the arrangement for a maximum period of an additional two years. *Extension of ENFIA Agreement* (Extension Order), 90 FCC 2d 6 (1982).[1] The ENFIA tariff will be superseded by the access charges that will be established pursuant to a final decision in CC Docket No. 78–72, the MTS/WATS Market Structure Inquiry. *See Fourth Supplemental Notice of Inquiry and Proposed Rulemaking*, FCC 82–247 (released June 4, 1982).

5. By its terms, the ENFIA tariff applies only to "Execunet/Sprint-type interstate services" or "any end-to-end MTS/WATS-type interstate services."[2] The ENFIA Agreement is limited to ensuring that an equitable share of cost responsibility for jointly used subscriber plant is assigned to the OCCs insofar as those OCCs offer MTS/WATS equivalent services. BSOCs are paid for the use of their local exchange facilities in connection with AT&T's MTS and WATS services through the separations and division of revenues processes. The ENFIA Agreement sought to provide a mechanism for establishing reasonable parity between MTS/WATS compensation and MTS/WATS equivalent compensation to local carriers. The rates under the ENFIA tariff are somewhat lower than the compensation BSOCs received from MTS and WATS, but are greater than the local business rates that the OCCs had originally paid for exchange connections before the *Execunet* decisions established that the OCCs could offer MTS/WATS-type services.[3] The ENFIA Agreement does not include services which are connected with exchange facilities at only one end such as foreign exchange (FX) and common control switching arrangements with off-network access lines (CCSA/ONALs). Local companies receive compensation for these services under an entirely different mechanism than that used for MTS and WATS or other MTS/WATS-type services. *ENFIA*, 71 FCC 2d at 444.[4]

6. The ENFIA Agreement focuses on the functional equivalency between MTS/WATS and OCC Execunet/SPRINT-type services rather than on the specific facilities used. Similarly, the tariff does not specify particular network configurations that are

[1] *Review pending*, MCI Telecommunications Corp. v. FCC, D.C. Cir. No. 82–1553 (filed May 18, 1982). Shortly after the agreement was extended, AT&T filed proposed increases to its BSOC 8 tariff. We found that there were substantial questions concerning the lawfulness of these revisions and their conformity with the language and intent of the agreement. Therefore, we suspended the effectiveness of the proposed increases for five months and instituted an investigation to determine the proper rates. *Exchange Network Facilities (ENFIA)* 90 FCC 2d 202 (1982) (Designation Order), FCC 82–431 (released September 29, 1982), *review pending*, MCI Telecommunications Corp. v. FCC, D.C. Cir. No. 82–1554 (filed May 18, 1982). The two review proceedings have been consolidated.

[2] The criteria for identifying such services were first articulated in MCI Telecommunications Corp., 60 FCC 2d 25 (1976), *reversed on other grounds*, 561 F.2d 265 (D.C. Cir. 1977) *cert. denied*, 434 U.S. 1040 (1978). They include sharing of intercity facilities by all users, direct access on demand by a customer, use of common local exchange plant at both ends and customer billing on a per call basis subject to time and distance or a monthly minimum.

[3] MCI Telecommunications Corp. v. FCC, 561 F. 2d 365 (D.C. Cir. 1977), *cert. denied*, 434 U.S. 1040 (1978) (Execunet I); 580 F. 2d 590 (D.C. Cir. 1978), *cert. denied*, 439 U.S. 980 (Execunet II).

[4] An FX subscriber obtains a connection to the foreign exchange under private line tariffs. Similarly, private line tariffs extablish the charges for a CCSA customer's dedicated lines and switches. Interstate private line revenues are included in the telephone industry "partnership" pool, and the share of these revenues received by a local company through the division of revenues/settlements process is determined by the portion of associated investment and expenses assigned to the interstate jurisdiction through separations. Private line costs are directly assigned to the relevant jurisdiction. Origination and termination at the "open end" of FX and CCSA/ONAL services are provided at the business local exchange rate. These exchange revenues and expenses are treated as intrastate for separations purposes. For a further description of these services *see, e.g.*, MTS and WATS Market Structure, 77 FCC 2d 224, 228–229 (1980); New York Telephone Company, 76 FCC 2d 349 (1980).

considered to create MTS/WATS-like services. Our relaxation of resale restrictions [5] has led to the development of numerous variations in the technical configurations employed by non-telephone company carriers in the provision of telecommuications services. The applicability of ENFIA to some of these configurations is the essence of the controversy now before us.

7. Aspects of this issue have already been addressed by the Chief of the Common Carrier Bureau in two separate instances. In *Leased Data Services*, Mimeo 32441 (released June 12, 1980), the Bureau determined that ENFIA applied to the use by LDS of originating cities' exchange facilities in the provision of a resale service that involved leased private line connections from specified locations to an intermediate city where connection was made to MCI's Execunet Service. Even though the use of exchange facilities in the originating cities was outbound only, and although local carriers in the intermediate and termination cities were compensated for the use of their facilities through MCI's ENFIA payments, it was determined that LDS provided an end-to-end MTS/WATS-type service from the point of origination that was subject to the ENFIA tariff.[6] In *AT&T Transmittal No. 41*, Mimeo 001153 (released May 29, 1981) *recon. pending*, the Bureau rejected a revision to the ENFIA tariff proposed by AT&T that would have deleted from section 1.1 of the regulations in the ENFIA tariff the following language: "this tariff does not apply to services offered by the Telephone Company." According to AT&T, this revision would have clarified the applicability of ENFIA to resellers of MTS and WATS. The Bureau disagreed with AT&T's contention that resold MTS and WATS are in fact "MTS/WATS-type interstate services" within the meaning of ENFIA tariff, on the basis that even when MTS and WATS are resold, local carriers are compensated for the use of their exchange facilities through the separations and division of revenues/settlements processes.[7]

8. At the time that the extension of the ENFIA Agreement was under consideration, questions regarding the applicability of ENFIA to resellers were raised in petitions or pleadings filed in CC Docket No. 78-371 by U.S. TEL and Tel Systems Management (TSM), Teltec and ALTEL. These resellers voiced a concern that the application of ENFIA to their services constitutes unjust and unreasonable discrimination with respect to access charges paid by resellers and those paid by providers of other services including sharers of interstate telecommunications services and users of MTS/WATS equivalent services such as FX, CCSA/ONALS, and point to point private line who pay only local buisness rates for exchange access. Rather than delay our consideration of the more general issue of the extension of the ENFIA Agreement, we noted in Footnote 8 of our Extension Order [8] and Footnote 10 of our Designation Order [9] that certain matters regarding the application of ENFIA to resellers were not pertinent to the basic issues regarding the viability and implementation of the ENFIA Agreement.

9. MCI has now interpreted these footnotes as an affirmative decision on the part of the Commission to categorically exclude all resellers from the ENFIA tariff.[10] Beginning in May, 1982, MCI stated that it expected to pay business exchange rates for local access to certain resold circuits used in the provision of its Execunet service. MCI initially paid the ENFIA rates under protest and requested that the BSOCs adjust their invoices to reflect the lower exchange rate for designated circuits.[11] In June, 1982, upon receipt of unadjusted invoices from the BSOCs, MCI began to withhold payment for access to the resold circuits on the theory that substantial overpayment for these circuits had been remitted in May. On August 19, 1982, AT&T filed its emergency petition for a declaratory ruling.

II. Contentions of the Parties

10. AT&T contends that neither Footnote 8 to the Extension Order nor Footnote 10 to the Designation Order modified the ENFIA Agreement to exempt resale carriers engaged in the provision of MTS/WATS-type services from ENFIA charges. AT&T maintains that the resold circuits used by MCI merely extend that carrier's intercity network, and do not alter the fundamental character of MCI's end-to-end MTS/WATS-type service. AT&T asserts that the basic issue is whether the proper compensation is received by local telephone companies rather than whether a particular intercity carrier is a reseller and that, except in the case of resold MTS and WATS, the ENFIA agreement requires that all affected local carriers be compensated for interconnection to MCI's service.

11. MCI and SPCC maintain that ENFIA does not apply to resold facilities and ask that AT&T's petition be denied. MCI argues that, regardless of the applicability of ENFIA to resale prior to the Extension Order, an exemption for resellers has now been affirmatively established in Footnote 8 of that order, and further that the exemption is sweeping and applies to all resellers. According to MCI, as a result of our "ruling" in the Extension Order, ENFIA charges are now applicable only to

[5] Resale occurs when a user subscribes to the communications services and facilities of another entity and them reoffers communications service and facilities to the public (with or without "adding value") for a profit. In Docket 20097 it was determined that subscribers of AT&T's private line services should be allowed to participate in the unlimited resale and sharing of such services provided they are not converted into MTS or WATS or their equivalents. Regulatory Policies Concerning Resale and Shared Use of Common Carrier Services and Facilities, 60 FCC 2d 261 (1976), *reconsideration*, 62 FCC 2d 88 (1977), *aff'd sub nom.*, AT&T v. FCC, 572 F.2d 17 (2d Cir.), *cert. denied*, 439 U.S. 875 (1978). Resale and sharing of MTS and WATS was authorized in CC Docket No. 80-54, Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services, 77 FCC 2d 274 (1980), 83 FCC 2d 167 (1980), *recon. denied*, 86 FCC 2d 820 (1981), *petition for review denied*, Southern Pacific Communications Company v. FCC, 682 F.2d 232 (D.C. Cir. 1982). We are now considering removal of the remaining restrictions on resale of AT&T's private line services in CC Docket No. 82-44, AT&T, FCC 82-51 (released February 4, 1982).

[6] ENFIA payments were collected in the intermediate and termination cities from MCI only, avoiding double compensation from LDS in those cities.

[7] The Bureau found no inconsistency between this decision and its earlier decision in *Leased Data Services* since the interstate traffic carried by LDS was never transmitted via AT&T's interstate switched message services.

[8] This footnote states: The applicability of ENFIA charges to resellers, an issue raised by U.S. TEL and TSM is outside the scope of this particular decision and will be treated separately.

[9] This footnote states: We also recieved petitions or comments from resale carriers U.S. Tel and Teltec and from ALTEL, a trade association which includes resale carriers. They deny that ENFIA should apply to resellers, but state that AT&T imposes ENFIA charges on them in fact. They contend that the Commission should reject the increases, which they claim could force them out of business, or not apply them to resellers. We note in this regard, owever, that the Common Carrier Bureau has specifically ruled that ENFIA does not apply to MTS/WATS at present. AT&T (ENFIA), Mimeo No. 001153, released May 29, 1981, *recon. pending*. Moreover, although we are considering the removal of the ban against resale of AT&T's private line services if such services are used to form MTS/WATS equivalents, we have not as yet taken such action. AT&T, CC Docket No. 82-44, FCC 82-51, released February 4, 1982.

[10] Based on the same interpretation of these footnotes, on July 13, 1982 U.S. Tel filed a formal complaint pursuant to Section 208 of the Communications Act and Section 1.721 of our Rules alleging that the imposition of ENFIA charges for interconnection of its services with local exchanges is unjust and unreasonably discriminatory in violation of Section 201(b) and 202(a) of the Communications Act.

[11] The Chairman of the Board of MCI also wrote to the Chairman of this Commission indicating that, with respect to certain circuits, MCI considered itself a reseller exempt from ENFIA under our Extension Order. Letter dated June 28, 1982 from William G. McGowan to Chairman Fowler.

direct connections between OCC terminals and serving central offices, but that charges for exchange connections to resold facilities have reverted to the business local exchange rate. MCI also questions the practicality of applying ENFIA to resellers since, under our *Competitive Carrier Rulemaking*, FCC 82–350 (released August 20, 1982), resellers are now exempted from certification requirements under Section 214, making the identification of those resellers properly subject to ENFIA more difficult and creating opportunities for double charging carriers who resell OCC services for which ENFIA payments have already been made. SPCC argues that the original ENFIA Agreement never contemplated resold facilities and that the definition in the ENFIA tariff of "Jointly Used Subscriber Plant" which refers to an "OCC's intercity network" plainly excludes calls completed over another carrier's network. MCI and SPCC both dispute AT&T's contention that compensation of the local exchange carrier is a pivotal issue. SPCC observes that there are currently numerous instances in which exchange access is provided for *de facto* MTS/WATS equivalents such as FX, CCSA, FTS and AT&T's Enhanced Private Switched Communications Service in a manner that does not provide a contribution to local exchange costs.

12. ALTEL, U.S. Tel and the Joint Resellers contend that pure resellers should be distinguished from established, facilities-based OCCs, and should be exempted from ENFIA rates. They fear that a decision granting AT&T's petition with respect to MCI will have a direct adverse impact on their interests. These parties claim that the services they provide are fundamentally different from those provided by the ENFIA Agreement signatories since pure resellers own virtually none of their own facilities, rely heavily on the resale of higher costs AT&T intercity services, and often offer interstate universal service on an outward only basis generating lower usage in the local exchange. They claim that the imposition of ENFIA on their operations places them at a competitive disadvantage with respect to the established facilities-based OCCs, and creates disincentives for the expansion of resale services. They argue that the continued application of ENFIA to resellers would be contrary to the position taken by the Commission in Footnotes 8 an 10 in our April, 1982 ENFIA orders. They also maintain that it would exacerbate the discrimination that currently exists between access charges for end-to-end MTS/WATS-type services and the local business rate applied to other MTS/WATS equivalents such as FX and CCSA/ONALS. ALTEL further comments that ENFIA charges are currently applied inconsistently to resellers, sometimes resulting in double compensation for the use of local exchange facilities, and often resulting in the circumvention of the prohibitions against the resale of AT&T's private line services for the purpose of creating MTS/WATS equivalents.

13. ALTEL requests that we reaffirm that ENFIA charges do not apply to resellers and that we direct AT&T to alter the ENFIA tariffs to provide exchange network access to resellers at local exchange business rates pending the resolution of access charge issues in CC Docket No. 78–72. The Joint Resellers ask that any ruling that we make on AT&T's petition be specifically limited to AT&T's relationship with MCI, and that the obligations of pure resellers under the ENFIA tariff be addressed in a broader proceeding. Similarly, although U.S. Tel summarizes the position taken in its Complaint, it maintains that without the procedural safeguards of a broader proceeding resolution of the instant matter in favor of AT&T will have an adverse impact on its Complaint, and therefore asks that AT&T's petition be dismissed.[12]

III. Discussion

14. It is apparent that great confusion has ensued from indications that we have given that the provision of certain services by resellers present unique questions under ENFIA. Under the language of the tariff itself, no distinctions are made between resellers and non-resellers or between pure and partial resellers. Thus the use of such distinctions would lead to improper applications of the tariff. Prior to our April orders MCI paid ENFIA charges for the disputed circuits and its opposition to AT&T's petition is premised on the argument that we have now exempted it from such payments. However, in the context of our actions to extend ENFIA we did not exempt any carrier from the ENFIA tariff merely on the basis of its status in whole or in part as a reseller. In this respect, we agree with AT&T that, in order for such an exemption to exist, the ENFIA Agreement would have to have been altered, and no such modification has been made.[13] We also disagree with SPCC that the reference in the ENFIA tariff to an "OCC's intercity network" excludes networks that are built in part with leased facilities and services. The language of the ENFIA tariff is addressed to exchange access for end-to-end MTS/WATS-type services and its applicability does not turn on whether the facilities used to provide these services are leased or owned.

15. It is our interpretation of the ENFIA tariff that the touchstone for its applicability is not the status of a carrier as a reseller or as a facilities-based entity. Rather, it is the compensation that is due to a local carrier according to the agreement that led to adoption of our original ENFIA decision and the tariff filed to implement that agreement. The parties to ENFIA acknowledged that:

> The agreement is patterned after the method by which local telephone companies are presently compensated for use of exchange facilities for traditional interstate MTS and WATS services. The basic methodology is one of compensating the local telephone companies for the costs they incur in carrying interstate MTS and WATS calls, and in adapting their facilities and procedures for carrying such calls. 71 FCC 2d at 444–45.

As we pointed out in our recent ENFIA Rate Order (FCC 82–431, released September 29, 1982) the ENFIA Agreement reflects "separations and division of revenues/settlements processes by which local carriers share in the interstate revenues according to their costs." (p. 12). Under the Separations Manual, interstate MTS and WATS minutes are counted (i.e., SPF'ed) once—and only once—at each end. We believe that it was the intention of the ENFIA Agreement, as well as the implementing tariff based upon it, that correlative treatment be afforded MTS–WATS equivalent services and that exchange usage by any interstate MTS/WATS-type switched message service should be paid for under ENFIA (or separations in the case of resold MTS or WATS) once—but only once—at each end.[14] We recognize that there are

[12] We note that the action we take in this matter does not dispose of U.S. Tel's complaint. We hold merely that ENFIA rates are applicable to interconnections for MTS/WATS equivalent services without regard to whether the intercity facilities used in those services belong to the OCC or are resold facilities belonging to AT&T or another carrier. Our ruling here does not foreclose the availability of a later ruling, in the context of a complaint by U.S. Tel or another reseller, that actual rates are unjust, unreasonable or unduly discriminatory, if the complainant can make a case for such a ruling.

[13] *See* FPC v. Sierra Pacific Power Co., 350 U.S. 348 (1956). *See also* MCI v. FCC, 665 F.2d 1300, 1303 (D.C. Cir. 1981).

[14] By "end" we mean any local exchange in which usage of an MTS/WATS-type service may be originated or terminated. This standard does not alter the exemption of FX and CCSA/ONALs from ENFIA since, although we have asserted jurisdiction

instances where MTS/WATS-type services are provided at least partially through the reseal of OCC Execunet/SPRINT services. In such cases, we do not believe it appropriate that ENFIA be applied twice for the termination of an interstate call in a single city.

16. In interpreting and applying the ENFIA tariff there appears to be no sound basis here for distinguishing between those carriers who provide services over their own intercity facilities and those who have chosen to lease those intercity facilities from AT&T or another carrier. There is also no basis for distinguishing between the charges to be applied for exchange access on those routes where a particular carrier, such as MCI, has chosen to use its own facilities rather than those of AT&T or another carrier. Since ENFIA rates are generally higher than the applicable local charges, such a distinction would simply penalize carriers who have built their own facilities.

17. We are aware, and several parties pointed out to us, that there are differences in treatment that currently exist between MTS/WATS-equivalent services subject to ENFIA and certain interstate services for which users pay only local business rates for connection to local facilities. A resolution of these differences, however, is a matter outside the scope of this declaratory ruling proceeding. As previously noted, the consistent practice under the Separations Manual has been to assign the minutes of use of the "open-end" of FX service and CCSA/ONAL service to the intrastate jurisdiction.[15] In contrast, the minutes of use of the exchange plant associated with MTS/WATS equivalent service—as in the case of MTS/WATS itself—have been treated as interstate. The ENFIA agreement and the order accepting it recognized this distinction in treatment for MTS/WATS equivalent services, on the one hand, and FX and CCSA/ONAL "open-end" service, on the other.[16] We anticipate that any anomaly caused by this disparate treatment will be eliminated when the appropriate changes have been made to separations procedures by the Federal-State Joint Board in CC Docket No. 80-286,[17] and a comprehensive access charge plan is in place.[18]

18. For the purposes of this petition, we have undertaken an interpretation of the tariff in order to clarify statements that we have previously made and to demonstrate the reasons why MCI must pay ENFIA charges on the disputed circuits. We recognize, however, that because of the unique nature of the ENFIA tariff, further disagreements regarding its applicability to the increasingly varied configurations used in the provision of MTS/WATS-type services might arise. Such disputes are properly resolved through the complaint mechanism established in section 208 of the Communications Act and § 1.721 of our Rules.

19. Accordingly, it is hereby ordered, That, pursuant to Sections 4(i), (j), 201, 203 and 205(a) of the Communications Act, 47 U.S.C. 154(i), (j), 201, 203 and 205(a), the American Telephone and Telegraph Company's Emergency Petition for Declaratory Ruling IS GRANTED, to the extent that we are declaring that that the ENFIA tariff applies to exchange usage by interstate MTS/WATS-type switched message services except where the same exchange usage has been paid for in that city by an underlying carrier through either ENFIA or the separations process.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-29578 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 82-710, File No. BPH-810105AH, et al.]

Clearlake Broadcasting Co., et al.; Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: October 8, 1982.

Released: October 18, 1982.

In re Applications of Sydney H. Moate, Ping Yu Moate, Richard J. Joslyn, and Peggy L. Joslyn, d.b.a. Clearlake Broadcasting Co., Lakeport, California, BC Docket No. 82-710, File No. BPH-810105AH, Req: 99.5 MHz, Channel 258 1.4 kW (H&V), 2125 feet, MAGIC COMMUNICATIONS CORP. Lakeport, California, BC Docket No. 82-711, File No. BPH-810630AI, Req: 99.5 MHz, Channel 258 5.012 kW (H&V), 1468 feet, Pamela K. Fishtrom, d.b.a. KONOCTI BROADCASTING COMPANY, Lakeport, California, BC Docket No. 82-712 File No. BPH-810701AL, Req: 99.5 MHz, Channel 258 2.5 kW (H&V), 1900.7 feet, For Construction Permit for a New FM Station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (i) The above-captioned mutually exclusive applications filed by Sydney H. Moate, Ping Yu Moate, Richard J. Joslyn and Peggy L. Joslyn, d.b.a. Clearlake Broadcasting Company (Clearlake); Magic Communications Corp. (Magic); and Pamela K. Fishtrom, d.b.a. Konocti Broadcasting Company (Konocti); (ii) a request by Konocti for waiver of the Commission's minimum mileage separation rule (Section 73.207), the Commission's letter of July 28, 1982 concerning this request, and Konocti's response to the Commission, filed August 27, 1982; (iii) a petition to deny filed by Young Radio, Inc. (Young) against Konocti; and (iv) an informal objection filed by Broadcasting Corporation of Mendocino County (BCMC) against Konocti and related pleadings.[1]

2. Clearlake. Analysis of the financial data submitted by Clearlake reveals that $63,630 will be required to construct and operate the station for three months. Clearlake plans to finance construction and operation with $53,000 in existing capital and $97,000 in new capital. The principals, however, have failed to demonstrate current liquid assets sufficient to meet both their current obligations and their stated contribution to the proposed station. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, the applicant will be given 30 days from the date of mailing of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge

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over the charges paid by interstate customers of these services. New York Telephone, 76 FCC 2d 349, we have not, as yet, asserted jurisdiction over the relevant costs, expenses and revenues through the separations process.

[15] Note 4, *supra*.

[16] 71 FCC 2d at 444. This difference does not favor AT&T's MTS/WATS offering over those of its competitors.

[17] *See* Amendment of Part 67 and Establishment of a Joint Board, 76 FCC 2d 837, 845 (1980).

[18] Fourth Supplemental Notice in CC Docket No. 78-72, *supra*.

[1] BCMC filed its objection as a petition to deny the application of Konocti. However, in attempting to link Konocti's proposed site with Clearlake's proposal, BCMC does not provide a clear reason why the objections raised in its Clearlake petition are applicable to the Konocti proposal. Therefore, BCMC's petition will be treated as an informal objection pursuant to § 73.3587 of the Rules.

who shall then specify an appropriate issue. Minority Broadcasters of East St. Louis, Inc., BC Docket No. 82–378.

3. Clearlake's application further indicates that it will require 9 employees. There is no indication of how many will be full-time and how many part-time. The Commission requires that if there will be five or more full-time station employees, the applicant must complete and file Section VI of FCC Form 301 in triplicate and supply a statement detailing the applicant's hiring and promotion policies even though there may be only a few members of minority races residing within the proposed service area. Clearlake has failed to provide the required information. To remedy this deficiency, Clearlake will be required to file Section VI with the presiding Administrative Law Judge.

4. Short-spacing. The Commission's Rules define interference to FM stations solely on the basis of minimum assignment and station separation requirements, maximum power, and antenna height rules. Section 73.209(b). Commission policy does not permit waiver of the minimum mileage separation requirements where there are several mutually exclusive applications for the same channel when any one of them specifies a non-short-spaced site. Trend Broadcasting, Inc., 18 F.C.C. 2d 749 (1969). The rationale for this policy is that a request for a waiver of the short-spacing rules must be supported by a showing that no other sites are available. Since Clearlake and Magic have applied for sites that are not short-spaced, the apparent inference is that non-short-spaced sites are available to Konocti.

5. The Commission notified Konocti by letter July 28, 1982, explaining its minimum separation policy and giving Konocti 30 days to amend its application or be dismissed and denied comparative hearing with the non-short-spaced applicants. Nelson County Broadcasting Co., Inc., 64 F.C.C. 2d 932 (1977). On August 27, Konocti filed its response, contending that neither the Clearlake nor Magic sites were suitable for broadcast use because of line-of-sight problems that would lead to significant shadowing throughout the city of license.[2] Our study of Konocti's claims and accompanying engineering studies indicate that a question of fact exists that would be best treated during the comparative hearing process. Accordingly, we will defer any action on Konocti's request for waiver until a determination can be made as to which site or sites proposed, if any, would comply with the Commission's requirements for providing line-of-sight coverage to the city of license.

6. Young Radio, Inc. (Young), licensee of station KVYN(FM), St. Helena, California, has filed a petition to deny against Konocti, noting the latter's admitted short-spacing (63.26 miles instead of the required 65) with KVYN's transmitter. Young requests denial of Konocti's waiver request and dismissal of its application. Young will be added as a party to this proceeding to give it the opportunity under Section 316(a) of the Communications Act of 1934, as amended, to show in hearing why its license should not be modified. F.C.C. v. National Broadcasting Company, Inc., (KOA), 319 U.S. 239 (1943).

7. De facto reallocation. Broadcasting Corporation of Medocino County (BCMC), licensee of station KWNE(FM), Ukiah, California, filed petitions to deny against the Clearlake and Konocti applications. These petitions allege that a grant of either application would result in a de facto reallocation of the channel assigned for use in Lakeport and circumvent the rulemaking process by allowing the applicants to primarily serve the larger community of Ukiah and, thereby, deprive the assigned community of service. Hall Broadcasting Co., Inc., 71 F.C.C. 2d 235, 237 (1979). In its petition, filed July 8, 1981, against Clearlake's proposed site on Cow Mountain, BCMC's intent was to test the Clearlake proposal against the nine factors enumerated in Communications Investment Corporation v. F.C.C., 641 2d 954 (D.C. Cir. 1980) (hereafter CIC), the case in which the U.S. Court of Appeals listed nine factors, based on its study of past Commission cases on de facto reallocation, that could be used to judge whether an applicant's intent was to violate the fair and equitable distribution of broadcast services provision of Section 307(b) of the Communications Act.[3] On November 16, 1981, Clearlake filed a minor amendment to its application, specifying a change of transmitter site approximately three miles from its original proposal. In failing to address this change in subsequent pleadings, BCMC's petiton to deny Clearlake's application becomes moot. On December 11, 1981, BCMC filed its petition against Konocti wherein it noted that the petition was filed "for the same reasons discussed in the petition to deny filed against Clearlake," since "Konocti anticipates locating its antenna at the same location proposed by Clearlake." BCMC's petition against Konocti is clearly defective in that it relies completely on allegations contained in separate pleadings filed against a different party. Petitions to deny must contain specific allegations of fact sufficient to show that a grant of the application would be prima facie inconsistent with the public interest, convenience and necessity. Gulf Television Corp., 31 F.C.C. 2d 596(1971). Although Konocti's proposed site is on Cow Mountain, it is approximately one mile from the tendered Clearlake site and differs also in power and height above average terrain. In failing to demonstrate substantial links between the Konocti and the original Clearlake sites, BCMC has filed to provided the specificity of fact sufficient to sustain a petition to deny. Therefore, while we will dismiss BCMC's petition against Konocti because of the foregoing, we will treat its broader allegations in the context of an informal objection pursuant to § 73.3587 of the Commission's Rules.

8. In its decision in CIC, the United States Court of Appeals outlined nine factors which the Commission and the Court have relied on in determining whether a proposed transmitter move raises a question of de facto reallocation. The Court's factors were based on its study of cases where either the Court or the Commission required an evidentiary hearing on a de facto reallocation issue. The factors specified are:

(1) The ratio of the population of the larger city to the city of license;

(2) The relative distance of the proposed transmitter site from the city of license as compared to the larger city;

(3) The ratio of the signal strengths in both cities;

(4) Whether the city of license or any nearby area will lose coverage as a result of the proposal;

(5) Whether the proposed site is already in use by stations licensed to the larger city;

(6) Does the station plan to share facilities, staff, and/or programming with a co-owned AM station which is licensed to the larger city;

(7) Has the applicant evinced a prior interest in locating in the larger city;

[2] Section 73.315(b) specifies that the "transmitter site should be chosen that line-of-sight can be obtained from the antenna over the principal city or cities to be served; in no event should there be a major obstruction in this path."

[3] Section 307(b) of the Communications Act of 1934, as amended, requires that channels be distributed equitably and efficiently in communities throughout the nation. Particular channels are made available for use in a specified community (or within a certain distance from that community) and are listed in § 73.202 (Table of Assignments) of the Rules. Only through a rulemaking proceeding can an applicant alter the Table.

(8) Does the applicant plan to move its studio to the larger city; and

(9) Does the proposed transmitter site present a unique advantage to the applicant.

9. Our review of Konocti's application, in light of the first three CIC factors, reveals that the population ratio of Ukiah to Lakeport is 3.27:1, Konocti's proposed transmitter site is 10.5 miles northwest of Lakeport and 7.25 miles southeast of Ukiah, and that Konocti will provide an undetermined superior signal to Ukiah (BCMC's determination in regard to the original Clearlake site was 85.5 dBu signal to Ukiah and an 80 dBu signal to Lakeport). We find no reason to weigh these factors in favor of the petitioner. The over-riding factor in our evaluation is the Commission-imposed site restriction of 12 miles northwest of Lakeport to avoid serious short-spacing problems with the adjacent channel Class A station in St. Helena. Any site adhering to the intent of the rulemaking slants both the population and distance ratios in the petitioner's favor. Thus, we will not penalize applicants for such matters. Further, Konocti's proposal will provide Lakeport with a signal in excess of the minimum required by § 73.315 of the Rules. The stronger signal provided to Ukiah is the result of the site restriction and, in any event, not dispositive.

10. Factors four through eight weigh in favor of Konocti. No specific detail has been provided to show that the entire city of Lakeport would not be covered by Konocti's proposed station. Since this is an application for a new station, there can be no loss of service involved to nearby areas. The fifth and sixth factors fall in Konocti's favor since the proposed site is not in use by any station assigned to Ukiah, and Konocti does not own an AM station licensed to Ukiah. The seventh and eighth factors, similarly, fall in Konocti's favor because it has never evinced an interest in locating either its station or its main studio in Ukiah.

11. Concerning the ninth factor, we find that Konocti has failed to show that its proposed Cow Mountain site offers any unique advantages from a standpoint of signal propagation. This is of little decisional signficance. The Court in CIC noted an applicant might offer a showing that would sufficiently explain a proposed transmitter location but "a required showing will rarely be possible, however, because it will be necessary for the proposing station to demonstrate that no other site closer to the primary market will do: showing a negative beyond dispute is not often easy." CIC, at 970. Thus, while we believe that this factor affords an applicant the opportunity of overcoming other factors which may stand against it by establishing that the proposed site is unique, a failure to do so should not be weighed against it.

12. In summary, de facto reallocation requires that existence of an element of removal of the channel from one city and an effective use of the same channel in another city. No reallocation can be assumed to exist if either element is missing. Central Alabama Broadcasting, 68 F.C.C. 2d 1339, 1340 (1978); Great Trails Broadcasting Corp., 59 F.C.C. 2d 916 (1976). Konocti's proposal provides no indication of abandonment of its community of license; it will provide Lakeport with the required city grade signal and maintain its main studio in Lakeport from which it will originate programming to meet the needs it ascertains are those of its city of license. Should this situation change in the future, the Commission would address that issue then. Accordingly, we find that analysis of most all of the CIC factors favors the applicant, and that BCMC has failed to raise a substantial and material question of fact that would require a hearing to determine whether the proposed operation would constitute a de facto reallocation of Channel 258B from Lakeport to Ukiah.

13. Petitions for leave to amend. On April 7, 1982, Magic filed a petition for leave to amend its application. The amendment changed the mailing addresses of both the applicant and of principal Clifford Marko. On May 28, 1982, Konocti filed a petition for leave to amend its application. Its statement indicated that the proposed site for its studios may not be available to the applicant, but that it would locate its main studio within Lakeport. The last day for filing amendments, as a matter of right, was December 11, 1981. We find that good cause has been shown for the filing of the respective amendments, and the petitions for leave to amend will be granted with the accompanying amendments accepted for informational purposes only.

14. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

15. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

16. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether a grant of the application of Konocti Broadcasting Company would result in a modification of the license of Station KVYN(FM) and, if so, whether or not the public interest would be better served by a grant of the proposal, together with a waiver of § 73.207 of the Commission's Rules.

2. To determine whether the sites proposed by Magic Communications Corp. and Clearlake Broadcasting Company meet the requirements of § 73.315 of the Commission's Rules and, if either do not, whether circumstances exist which warrant waiver of that Section.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

17. It is further ordered, That Clearlake Broadcasting Company shall submit a financial certification in the form required by Section III, F.C.C. Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

18. It is further ordered, That Clearlake Broadcasting Company file a completed Section VI with the presiding Administrative Law Judge in accordance with § 73.2080(c) of the Commission's Rules.

19. It is further ordered, That, Young Radio, Inc., licensee of FM station KVYN, St. Helena, California, is made a party to the proceeding, and its petition to deny is granted to the extent indicated and is denied in all other respects.

20. It is further ordered, That the petitions for leave to amend filed by Konocti Broadcasting Company and Magic Communications Corp. are granted and the accompanying amendments are accepted for informational purposes only.

21. It is further ordered, That the petition to deny the application of

Clearlake Broadcasting Company filed by Broadcasting Corporation of Mendocino County is dismissed as moot.

22. It is further ordered, That the petition to deny the application of Konocti Broadcasting Company filed by Broadcasting Corporation of Mendocino County is dismissed, but when considered as an informal objection is denied.

23. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

24. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 82-29577 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 82-722, File No. BP-811009AX and BC Docket No. 82-723, File No. BP-820325AG]

Wayne D. Tisdale and Lake Region News Corp; Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: September 30, 1982.

Released: October 20, 1982.

In re Applications of Wayne D. Tisdale, Sisseton, South Dakota, BC Docket No 82-722, File No. BP-811009AX, REQ: 1530 kHz, 1 kW, D. Lake Region News Corp.; Sisseton, South Dakota, BC Docket No. 82-723, File No. BP-820325AG, REQ: 1530 kHz, 1 kW, D, for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above captioned mutually exclusive applications for new AM broadcast stations.

2. *Wayne D. Tisdale.* We have no evidence tha the applicant gave local notice of the filing of a major amendment to its application specifying a new frequency, transmitter location and antenna height, as required by Section 73.3580 of the Commission's Rules. It will therefore be required to demonstrate compliance with the requirement.

3. *Other matters.* Data submitted by the applicants indicate that there would be a significant difference in the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

5. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To detemine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That Wayne D. Tisdale shall publish local notice of its amended application, if it has not already done so, and shall file a statement of publication with the presiding Administrative Law Judge within 40 days after this Order is published in the Federal Register.

7. It is further ordered. That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 82-29572 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing it (Space WARC Advisory Committee); Meeting

October 20, 1982.

Task Group B-1 of Working Group B: Legal Implications.

Chairman: Martin Rothblatt (202) 463-2900.

Date: Friday, November 5, 1982.

Time: 1:30–4:30 P.M.

Location: 1111 19th Street, N.W., 10th floor, Washington, D.C.

Agenda: (1) Review comments and contributions; (2) Discuss working paper on legal implications of orbit spectrum planning by the ITU; (3) Preparation for Subcommittee preliminary report.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-29573 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing it (Space WARC Advisory Committee); Meeting

October 20, 1982.

Task Group B-4 of Working Group B: Institutional Accommodations of New Services and Technologies.

Chairman: S. A. Levy (202) 331-2624.

Date: Tuesday, November 9, 1982.

Time: 9:30 A.M.–12:30 P.M.

Location: Hogan & Hartson, 7th floor, 815 Connecticut Avenue, N.W., Washington, D.C. 20006.

Agenda: (1) Introductions; (2) Approval of Agenda; (3) Report on Plenipotentiary Conference; (4) Report on Institutional Requirements of New Services; (5) Discussion of Institutional Implications of Alternative Planning Approaches; (6) Future Work Program;

(7) Other Business; (8) Next Meeting; (9) Adjournment.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-29574 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

Joint Meeting of the TIAG Steering Committee, the Definitions and Rules Subcommittee and the Plant Accounts Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a joint meeting of the Telecommunications Industry Advisory Group (TIAG) Steering Committee, the Definitions and Rules Subcommittee and the Plant Accounts Subcommittee scheduled to meet on Tuesday, November 16, 1982. The meeting will be held at 9:30 a.m. in Room 330 of the Federal Communications Commission offices locted at 1200 19th Street, N.W., Washington, D.C. and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Discussion of Subcommittee Assignments
III. Other Business
IV. Presentation of Oral Statements
V. Adjournment

With prior approval of the Chairman, Gerald P. Vaughan, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Steering Committee or Subcommittee objectives. Anyone not a member of the Steering Committee, the Definitions and Rules Subcommittee or the Plant Accounts Subcommittee and wishing to make an oral presentation should contact Stephen T. Duffy, Group Vice-Chairman (202/634-1509), at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-29576 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Auditing and Regulatory Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group's Auditing and Regulatory Subcommittee scheduled to meet on Wednesday, December 1, 1982. The meeting will be held at 9:00 a.m. in Room 330 of the Commission's offices at 1200 19th Street, NW., Washington, D.C. and will be open to the public. The agenda is as follows:

I. General administrative matters.
II. Continued analysis of GAAP as it applies to USOA.
III. Continued analysis of impact of ERTA of 1981 on regulated industries.
IV. Further assignment of tasks.
V. Other business.
VI. Presentation of oral statements.
VII. Adjournment.

With prior approval of Subcommittee Chairman Hugh A. Gower, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Gower (404/658-1776) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-29575 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First National Cincinnati Corporation*, Cincinnati Ohio; to acquire 100 percent, less directors' qualifying shares, of the voting shares or assets of The Farmers and Traders National Bank of Hillsboro, Hillsboro, Ohio. Comments on this application must be received not later than November 22, 1982.

2. *Peoples Bancorp Inc.*, Marietta, Ohio; to acquire 100 percent of the voting shares of The Peoples Bank, Nelsonville, Ohio. Comments on this application must be received not later than November 19, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Tennessee National Bancshares*, Maryville, Tennessee; to acquire 100 percent of the voting shares or assets of First National Bank of Jefferson City, Jefferson City, Tennessee. Comments on this application must be received not later than November 22, 1982.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60609:

1. *Firstbank of Illinois Co.*, Springfield, Illinois; to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First Trust and Savings Bank of Taylorville, Taylorville, Illinois. Comments on this application must be received not later than November 22, 1982.

Board of Governors of the Federal Reserve System, October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR. Doc. 82-29600 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits for the public, such as grerater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue

concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of facts that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 LIberty Street, New York, New York 10045:

1. *Manufacturers Hanover Corporation* , New York, New York (reinsurance activities; Massachusetts): To engage, through its subsidiary, Ritter Life Insurance Company, in the activity of reinsuring single credit life insurance related to extensions of credit made in the State of Massachusetts by subsidiaries of Manufacturers Hanover Corporation. These activities would be conducted from an office in Huntington Valley, Pennsylvania, serving the State of Massachusetts. Comments on this application must be received not later than November 18, 1982.

2. *Manufacturers Hanover Corporation*, New York, New York (reinsurance activities; Illinois): To engage, through its subsidiary, Tempco Life Insurance Company, in the activity of reinsuring single and joint credit life insurance related to extensions of credit made in the State of Illinois by subsidiaries of Manufacturers Hanover Corporation. These activities would be conducted from an office in Phoenix, Arizona, serving the State of Illinois. Comments on this application must be received not later than November 18, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *The Colonial Bancgroup, Inc.*, Montgomery, Alabama (making loans for its own account; Alabama): To engage directly in making for its own account, loans and other extensions of credit, such as would be made, for example, by a mortgage, finance, credit card, or factoring company. These activities would be conducted from offices in Montgomery, Alabama. Comments on this application must be recieved not later than November 17, 1982.

Board of Governors of the Federal Reserve System, October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR. Doc. 82-29598 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Authorization for Foreign Currency Operations

In accordance with the Committee's rules regarding availability of information, notice is given that the Committee's authorization for foreign currency operations was amended effective August 28, 1982, for the period through August 23, 1983, to read as follows:

The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for the System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under § 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign Bank	Amount of arrangement (millions of dollars equivalent)
Austrian National Bank	250
National Bank of Belgium	1,000
Bank of Canada	2,000
National Bank of Denmark	250
Bank of England	3,000
Bank of France	2,000
German Federal Bank	6,000
Bank of Italy	3,000
Bank of Japan	5,000
Bank of Mexico:	
Regular	700
Special	325
Netherlands Bank	500
Bank of Norway	250
Bank of Sweden	300
Swiss National Bank	4,000
Bank for International Settlements:	
Dollars against Swiss francs	600
Dollars against authorized European currencies other than Swiss francs	1,250

Any changes in the terms of existing swap arrangements, and the proposed terms of any new arrangements that may be authorized, shall be referred for review and approval to the Committee.

By order of the Federal Open Market Committee, October 19, 1982.

Murray Altmann,

Secretary.

[FR Doc. 82-29597 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

First Stillwater Bancshares, Inc.; Formation of Bank Holding Company

First Stillwater Bancshares, Inc., Stillwater, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First Union Corporation, Stillwater, Oklahoma and thereby indirectly acquire The First National Bank and Trust Company of Stillwater, Stillwater, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First Stillwater Bancshares, Inc., Stillwater, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of The First Union Corporation, Stillwater, Oklahoma and thereby indirectly acquire the First Union Company, Stillwater, Oklahoma, First Union Insurance Agency, Inc., Stillwater, Oklahoma, First Union Financial Services, Inc., Stillwater, Oklahoma.

Applicant states that the proposed subsidiaries would engage in the activities of providing credit related insurance and extending credit and servicing loans. These activities would be performed from offices of Applicant's subsidiary in Stillwater, Oklahoma, and the geographic area to be served is the State of Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question

must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than November 19, 1982.

Board of governors of the Federal Reserve System, October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29599 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *U.S.B. Holding Co., Inc.*, Nanuet, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Union State Bank, Nanuet, New York. Comments on this application must be received not later than November 22, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Columbia Bancing Company*, Columbia, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of Columbia, Columbia, Alabama. Comments on this application must be received not later than November 22, 1982.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Kane County Bancshares, Inc.*, Elburn, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Kane County Bank and Trust Company, Elburn, Illinois. Comments on this application must be received not later than November 22, 1982.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *G–6 Corporation*, Mesquite, Texas; to become a bank holding company by acquiring 95.57 percent or more of the voting shares of First State Bank, Mesquite, Texas. Comments on this application must be received not later than Nomember 22, 1982.

2. *Gulf Southwest Bancorp, Inc.*, Houston, Texas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Southern State Bank, South Houston, Texas; League City National Bank, South League City, Texas; and Aluin Community Bank, N.A., Aluin, Texas; and at least 99.96 percent of the voting shares of Merchants Park Bank, Houston, Texas; and 100 percent of the voting shares of Gulf Southwest Bancshares, Inc., Houston, Texas and 100 percent of the votings shares of Westgrove Corporation, South Houston, Texas. Comments on this application must be received not later than November 22, 1982.

3. *New Ulm Financial Corporation*, New Ulm, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of New Ulm State Bank, New Ulm, Texas. Comments on this application must be received not later than November 22, 1982.

Board of Governors of the Federal Reserve System, October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29601 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Wilber Corporation*, Oneonta, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Wilber National Bank, Oneonta, New York. Comments on this application must be received not later than November 19, 1982.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *F&M Bancorp*, Miamisburg, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers and Merchants Bank, Miamisburg, Ohio. Comments on this application must be received not later than November 19, 1982.

C. **Federal Reserve Bank of Atlanta** (Roberty E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Bank of Gonzales Holding Company, Inc.*, Gonzales, Louisiana; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Gonzales, Gonzales, Louisiana.

2. *Bayoulands Financial Corporation*, Platterville, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of Bayoulands Bank, Platterville, Louisiana. Comments on this application must be received not later than November 19, 1982.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Lena Corporation*, Lena, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Citizens State Bank of Lena, Lena, Illinois. Comments on this

application must be received not later than November 19, 1982.

E. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Hillsboro Bancshares, Inc.*, Hillsboro, Missouri; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Hillsboro, Hillsboro, Missouri. Comments on this application must be received not later than November 19, 1982.

F. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Hebron Banshares, Inc.*, Omaha, Nebraska; to become a bank holding company by acquiring 80 percent of the voting shares of Security Bank of Hebron, Hebron, North Dakota. Comments on this application must be received not later than November 19, 1982.

G. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *C & M Bancshares, Inc.*, Cameron, Missouri; to become a bank holding company by acquiring 78 percent of the voting shares of Memphis Bancshares, Inc., Memphis, Missouri, and thereby indirectly acquire The Farmers and Merchants Bank of Memphis, Memphis, Missouri; and by acquiring 100 percent of the voting shares of Cameron Bankshares, Inc., Cameron, Missouri, and thereby indirectly acquire the Cameron State Bank, Cameron, Missouiri. Comments on this application must be received not later than November 19, 1982.

H. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Cal Rep Bancorp, Inc.*, Bakersfield, California; to become a bank holding company by acquiring 100 percent of the voting shares of California Republic Bank, Bakersfield, California. Comments on this application must be received not later than November 19, 1982.

Board of Governors of the Federal Reserve Systems, October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29602 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

Northwestern National Bank of Minneapolis; Corporation to Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be know as Northwest International Bank, Miami, Miami, Florida. Northwest International Bank, Miami, Florida would operate as a subsidiary of Northwestern National Bank of Minneapolis, Minneapolis, Minnesota. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR § 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 22, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29596 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

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 Federal Trade Commission and the 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.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with repect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) Independence National Corporation's proposed acquisition of all voting securities of National Life Insurance Company..	Oct. 19, 1982.
(2) Guardian Royal Exchange assurance p.l.c. proposed acquisition of all voting securities of Tri American Corporation.	Oct. 19, 1982.
(3) General Foods Corporation's proposed acquisition of all voting securities of Entenmann's Inc..	Oct. 19, 1982.
(4) Exxon Corporation's proposed acquisition of certain assets of Tosco Corporation.	June 11, 1982.

FOR FURTHER INFORMATION CONTACT:
Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

Transaction	Waiting period terminated effective
Esmark, Inc's, proposed acquisition of certain assets of Wellman Dynamics Corp..	Oct. 21, 1982.

FOR FURTHER INFORMATION CONTACT:
Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-29672 Filed 10-27-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Meeting of the California Desert District Multiple Use Advisory Council

Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert District Multiple Use Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet formally Friday, November 19 and Saturday, November 20, 1982, in the BPO Elks Lodge No. 1799, 244 W. Hobsonway, Blythe, California. The meetings will be from 8 a.m. to 5

p.m. and from 8 a.m. to 12 p.m., respectively.

Items to be addressed are:

—Budget
—Plan Implementation Review
—Federal Asset Management Program
—Review of Escondido Project, including Otay Grazing Environmental Impact Statement
—Wilderness Review
—Air Quality
—Wind Energy
—Chuckwalla Bench
—1982 Plan Amendments

A major subject on the agenda, the 1982 Plan Amendments, will be the 1982 proposed amendments to the California Desert Plan and Eastern San Diego County Management Framework Plan. The meeting will serve to review the Plan Amendments and comments received during the public review period. Recommendations will be made regarding the proposed Plan Amendments.

A field trip is scheduled for Thursday, November 18. Field trip issue will be the following: Chuckwalla Bench.

The meeting is open to the public, with time allotted for public comment after each subject is presented. Statements may be filed in advance to Desert Advisory Council Chairman Clayton A. Record, Jr., Public Affairs Office, 1695 Spruce Street, Riverside, California 92507.

For further information and meeting confirmation contact the California Desert District, 1695 Spruce Street, Riverside, California (714) 351–6383.

Dated: October 18, 1982.

Mark E. Lawrence,

Acting District Manager.

[FR Doc. 82–29563 Filed 10–26–82; 8:45 am]

BILLING CODE 4310–84–M

Cedar City District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Wednesday, December 1, 1982. The meeting will begin at 9:30 a.m. in the Bureau of Land Management Cedar City District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda is as follows: (1) Review of Proposed Allotment Management Plans, (2) Rangeland Improvement and Maintenance Policy, (3) Rangeland Betterment Projects, (4) Grazing Regulations, (5) General Board Business.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received at 9:30 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801–586–2401, by November 26, 1982. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board 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.

Dated: October 21, 1982.

Morgan S. Jensen,

District Manager.

[FR Doc. 82–29562 Filed 10–27–82; 8:45 am]

BILLING CODE 4310–84–M

Utah; Negro Bill Canyon Intensive Wilderness Inventory Decision—Not in Effect; Bureau of Land Management

ACTION: Notice.

SUMMARY: This notice announces that the State Director's final wilderness intensive inventory decision to identify 7,620 acres of the Negro Bill Canyon inventory unit (UT–060–138) is not in effect as published in the September 14, 1982, **Federal Register** (47 FR 40489), due to an appeal received on the decision. The **Federal Register** notice published September 14, 1982, indicated that of the 9,420 acres in the inventory unit 7,620 acres contained wilderness characteristics and would be identified as a wilderness study area (WSA). The remainder of the unit (1,840 acres) was being dropped from further wilderness review. Since the appeal is against having part of the inventory unit identified as a WSA that part of the decision to drop 1,840 acres from further wilderness review is now in effect. The decision on the 7,620 acres identified as having wilderness characteristics and subject to the appeal is not in effect and will remain under management restriction imposed by Section 603 of the Federal Land Policy and Management Act pending resolution of the appeal by the Interior Board of Land Appeals in which the appeal was filed.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah BLM Wilderness Coordinator, (801) 524–4257.

Roland G. Robison,

State Director.

[FR Doc. 82–29561 Filed 10–27–82; 8:45 am]

BILLING CODE 4310–84–M

[U–47297]

Utah: Realty Action Sale of Public Lands in Rich County

AGENCY: Bureau of Land Management, Salt Lake District, Interior.

ACTION: Notice.

SUMMARY: The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value shown:

Legal description	Acreage	Value
T. 12 N., R. 8 E., S.L.M., Section 29, NW¼NE¼	40.0	$8,000

The above described land will be sold in order to dispose of lands which because of location and other characteristics are difficult and uneconomical to manage. The sale is consistent with the Bureau's planning system and the public interest will be served by offering these lands for sale.

In order to accommodate this sale, the classification decision of April 17, 1981 (U–48153) classifying certain lands in Rich County, Utah, for disposal under the Act of March 3, 1877 (19 Stat. 377; 43 U.S.C. 321–323) as amended, is hereby cancelled as to all lands in Township 12 North, Range 8 East, S.L.M. These lands are opened to operation under the public land laws, effective the date of this notice.

The sale will be held on January 10, 1982 at 10:00 A.M. at the BLM offices at 2370 S. 2300 W., Salt Lake City, Utah. Said lands will be sold by public auction through competitive bidding. Bids may be made by a principal or duly qualified agent. Qualified bidders include: citizens of the United States 18 years of age or over; a corporation subject to the laws of any state or as the United States; a state, state instrumentality or political subdivision authorized to hold property; and any entities capable of holding lands or interests therein under the laws of the state within which the lands to be conveyed are located. Entities include but are not limited to associations, partnerships, and other legal entities.

Sealed bids shall be considered only if received at the place of sale, BLM, 2370 South 2300 West, Salt Lake City, Utah 84119, prior to 9:00 A.M. the day of the sale and for at least the appraised value. Each bid shall be accompanied by a certified check, postal money order,

bank draft or cashier's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount of bid and shall be enclosed in a sealed envelope clearly marked "Bid for Public Land Sale U-47297, Rich County." If two or more bids for the same amount are received, the apparent high bidder shall be determined by drawing pursuant to 43 CFR 2711.3-1(c).

The sealed bids shall be opened and publicly declared at the beginning of the sale. Oral bids will then be entertained. The oral bids must be made in increments of $500 or more. A maximum of two minutes will be allowed between oral bids for the submission of a higher bid. After oral bids are entertained, the apparent high bidder will be declared. The person declared to have entered the apparent high qualifying oral bid shall submit payment by cash, personal check, bank draft, money order or any combination thereof, any additional amount necessary to bring the amount tendered with their sealed bids up to one-fifth of the amount of the oral bid, immediately following the close of the sale.

The acceptance or rejection of any offer to purchase shall be in writing no later than 30 days after receipt of such offer.

The terms and conditions applicable to the sale are:

(1) The apparent high bidder shall submit the remainder of the full bid price within 30 days from date of sale. Failure to submit the full bid price prior to, but not including the 30th day following the sale, shall result in cancellation of the sale of the above described lands and the deposit shall be forfeited.

(2) The authorized officer may reject the highest qualified bid and release the bidder from his obligation and withdraw the tract for sale, if he determines that consummation of the sale would be inconsistent with the provisions of any existing law or collusive or other activities have hindered or restrained free and open bidding or consummation of the sale would encourage or promote speculation in public lands.

(3) The patent will contain a reservation for ditches and canals and be subject to all valid existing rights.

(4) All minerals will be reserved to the United States.

Detailed information concerning the sale, including the planning documents, environmental assessment and the record of public involvement, is available for review at the Salt Lake District, Bureau of Land Management Office, 2370 South 2300 West, Salt Lake City, Utah 48119.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, BLM, 2370 South 2300 West, Salt Lake City, Utah 84119. Any adverse comments will be evaluated by the District Manager 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.

Frank W. Snell,

District Manager.

[FR Doc. 82-29564 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

[C-24224]

Colorado; Partial Cancellation of Withdrawal Application and Opening of Land

Corrections

In FR Doc. 82-26573 beginning on page 42641 in the issue of Tuesday, September 28, 1982, make the following changes:

1. On page 42642, first column, under T. 15 S., R. 78 W., the fourth line should read: "Sec. 12, NE¼, NE¼NW¼, S½NW¼, E½SW¼,"; and the seventh line should read: "NW¼SE¼;".

BILLING CODE 1505-01-M

Combined Miles City, Lewistown and Butte Districts Grazing Advisory Boards Meeting

October 22, 1982.

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Miles City, Lewistown and Butte District Grazing Advisory Boards will be held December 6, 1982. The meeting will begin at 1:00 p.m. in the Northern Hotel at Broadway and First Avenue North Billings, Montana.

The agenda is as follows:

1. Water Rights.
2. Asset Management.
3. General items of mutual interest regarding the Rangeland Management program, allotment management plans and Range Betterment Funds.

The meeting is open to the public. The public may make oral statements before the Grazing Advisory Board or file written statements for the boards' consideration. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the three Bureau of Land Management District Offices and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

For further information contact District Managers at Miles City District Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301; Lewistown District, Bureau of Land Management, Drawer 1160, Lewistown, Montana 59457; or Butte District, Bureau of Land Management, P.O. Box 308, Butte, Montana 59701.

Ray Brubaker,

District Manager.

[FR Doc. 82-29661 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

[N-4883]

Nevada; Order Providing for Opening of Land; Correction

October 19, 1982.

In FR Doc. 82-24226, page 38995 of the issue published on Friday, September 3, 1982, the case file number at the top of the order should read "N-4883" instead of N-7196.

Richard G. Morrison,

Acting Chief, Division of Operations.

[FR Doc. 82-29660 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 10138]

Oregon; Partial Termination of Proposed Withdrawal and Reservation of Land

Notice of U.S. Forest Service, Department of the Agriculture, application OR 10138, for withdrawal and reservation of land was published as FR Doc. 38-213 of page 30569 of the issue of November 6, 1973. The purpose of the proposed withdrawal is to protect the Mt. Ashland Winter Sports Area. The applicant agency has cancelled its application insofar as it affects the following described land:

Willamette Meridian

Rogue River National Forest

T. 40 S., R. 1 E.,
Sec. 15, SW¼NW¼.

The area described contains 40 acres in Jackson County, Oregon.

Pursuant to the regulations contained in 43 CFR 2310.2-1(c), the above described land will be open to entry and location under the mining laws (30 U.S.C. Ch. 2) at 9:30 a.m. on December 6, 1982.

Dated: October 21, 1982.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-29664 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 11159]

Oregon; Partial Termination of Proposed Withdrawal and Reservation of Lands; Correction

In FR Doc. 82-15156, published at page 24452 in the issue of Friday, June 4, 1982, make the following correction on the fifth line following T. 18 S., R. 9 E.: "sec. 19, Lots 1, 2, and 3, S½NE¼, SE¼NW¼, "should read "sec. 19, Lots 2, 3, and 4, S½NE¼, SE¼NW¼,".

Dated: October 21, 1982.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-29663 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 11469(WASH)]

Washington; Termination of Proposed Withdrawal and Reservation of Lands; Correction

In FR Doc. 82-5522, published at page 8865 in the issue of Tuesday, March 2, 1982, make the following correction on the first line following T. 39 N., R. 9 E.: "Sec. NW¼NE¼, N½NW¼, and ", should read "Sec. 3, NW¼NE¼, N½NW¼, and ".

Dated: October 21, 1982.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-29662 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Alaska; Proposed Land Exchange

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Service is negotiating a small land exchange on Upper Ugashik Lake within the Alaska Peninsula National Wildlife Refuge. A draft report on this proposed transaction is available for review. Comments will be considered.

ADDRESS: Requests for the draft report, further information and/or comments should be addressed to: William H. Mattice, Chief, Division of Realty, Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, (907) 263-34880.

DATES: Comments are requested by November 22, 1982.

SUPPLEMENTARY INFORMATION: A survey in 1981 disclosed that a 1973 application for a five acre headquarters site was within a previously designated Recreation and Public Purposes Land Classification, and was not available for patenting. Since the property is now improved, and the applicant is entitled to a similar site nearby, a land exchange is proposed to accommodate the applicant and to prevent disturbance of additional land. Section 1302 of the Alaska National Interest Lands Conservation Act (ANILCA) provides for land exchanges of this type.

Dated: October 20, 1982.

William H. Mattice,

Chief, Division of Realty.

[FR Doc. 82-29658 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Texaco U.S.A., Unit Operator of the Eugene Island Block 205 Federal Unit Agreement No. 14-08-0001-8654, submitted on October 19, 1982, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Eugene Island Block 205 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. 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 on 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: October 21, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-29566 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30037]

Rail Carriers; Atchison, Topeka and Santa Fe Railway Co.; Abandonment Exemption—Chicago, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903-10906, the abandonment by the Atchison, Topeka and Santa Fe Railway Company of less than 3 miles of line in Chicago, IL, subject to standard labor protection provisions.

DATES: This exemption shall be effective on November 29, 1982. Petitions to stay the effectiveness of this decision must be filed by November 8, 1982. Petitions for reconsideration must be filed by November 17, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Michael W. Blaszak, 80 East Jackson Boulevard, Chicago, IL 60604.

Pleadings should refer to Finance Docket No. 30037.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided: October 21, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29604 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30039]

Prairie Central Railway Co.; Acquisition, Operation, and Securities Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10901 and 11301 the proposed acquisition and operation by Prairie Central Railway Company of a 25.25 mile line segment of Conrail's abandoned Cairo Branch between Lawrenceville and Mt. Carmel, IL, and the issuance of a promissory note to be used to finance this transaction respectively.

DATES: Exemption effective on October 28, 1982. Petitions to reopen must be filed by November 17, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: William C. Evans, Suite 1100, 1660 L Street, NW., Washington, DC 20036.

Pleadings should refer to Finance Docket No. 30039.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

DECIDED: October 21, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29610 Filed 10-27-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Decision-Notice Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: October 21, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

MC-F-14965, filed October 4, 1982. Applicants: W.F.W. COMPANY, P.O. Box 13506, Tampa, FL 33681—continuance in control—both REBEL EXPRESS COMPANY, 6241 North Dixie Highway, Fort Lauderdale, FL 33334, and for continuance in control by W.F. Wolff, Sr., through the transaction. Applicant's representative : Philip B. Cochran, Suite 1815, 50 West Broad Street, Columbus, Ohio 43215. The operating authority Rebel was awarded in MC-149608 (Sub-No. 5) was set forth at p. 9083 of the Wednesday, March 3, 1982, **Federal Register**. W.F.W. Company also controls The Youngstown Cartage Company and B&P Motor Express Co., both certificated motor carriers. No application has been filed for temporary authority.

[FR Doc. 82-29605 Filed 10-27-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer

to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note:—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP 2–266

Decided: October 20, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF–623, filed October 14, 1982. Applicant: B & B FOREST PRODUCTS, INC., d.b.a. B & B FORWARDING, 1717 Torrance Blvd., Torrance, CA 90501. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, 202–785–0024. As a *freight forwarder*, in connection with the transportation of *household goods, baggage, and transportation equipment*, between points in the U.S.

MC 682 (Sub-41), filed October 7, 1982. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Conn. Ave., NW., Suite 1112, Washington, DC 20036–5391, (202) 887–5868. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Digital Equipment Corporation, of Maynard, MA.

MC 144513 (Sub-23), filed October 12, 1982. Applicant: CONDOR CARRIER, INC., 656 Wooster St., Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. (402) 475–6761. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: The purpose of this application is to convert contract carrier authority to common carrier authority. The authority in permits MC–138054 Subs 1, 10, 14, 22, 25, 34, and 36, superceded by MC–144513 Subs 22X on November 5, 1981, and MC–138054 Subs 2, 3, 5, 6, 7, 11, 21, 23, 28, 30, and 31, are all to be coincidentally cancelled upon issuance of the Certificate in MC–,144513 Sub 23 above.

MC–159062 (Sub-1), filed October 15, 1982. Applicant: CENTRAL TRUCKING, INC., 137 Burgess Lane, Charlottesville, VA 22901. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, 804–282–3809. Transporting *coal*, between points in KY, TN, VA (except Bristol, Glasgow, and Marion), and WV, on the one hand, and, on the other, points in MD, PA, VA (except Bristol, Glasgow, and Marion), and WV.

MC–163182, filed October 13, 1982. Applicant: NEW BREED HAULING & RIGGING CORPORATION, 20 Lucon Drive, Deer Park, NY 11729. Representative: Zoe Ann Pace, 387 Park Avenue South, New York, NY 10016, (212) 532–1800. Transporting *petroleum products combustible liquids and flammable liquids*, between points in the U.S., under continuing contract(s) with Brookhaven National Laboratory, of Upton, NY. Condition: To the extent any permit issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

For the following, please direct status inquiries to Team 3 at 202–275–5223.

Volume No. OP 3–05

Decided: October 21, 1982.

By the Commission, Review Board No. 2, Members Carlton, Williams, and Ewing.

MC–15735 (Sub-59), filed October 14, 1982. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Broadview, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681–8378. Transporting *household goods*, between points in the U.S., under continuing contract(s) with American Natural Gas Coal Gasification Company, of Detroit, MI.

MC 22484 (Sub-10), filed October 6, 1982. Applicant: BROWN FROM WABASH, INC., 403 Cass St., Wabash, IN 46992. Representative: Donald W. Smith, P.O. Bos 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *plastic products*, and *pulp, paper and related products*, between St. Louis, MO, Philadelphia, PA, Chicago and Rock Island, IL, Cincinnati, OH, Baltimore, MD, Boston, MA, Chattanooga, Memphis, and Nashville, TN, Fort Worth and Houston, TX, Lousiville, KY, Winston-Salem, NC, Sioux City, IA, Jacksonville, FL, Wilmington, DE, and Atlanta, GA, and points in Wabash, Deleware, Madison, and Rush Counties, IN, St. Charles County, MO, Montgomery, Chester, and Delware Counties, PA, Miami, Cuyahoga, Portage, and Pickaway Counties, OH, Muskogee County, OK, Cleveland and Guilford Counties, NC, Sumter and Nassau Couties, FL, Monmouth and Middlesex Counties, NJ, DeKalb County, GA, Oswego County, NY, and Jefferson Parish, LA, on the one hand, and, on the other, those points in the U.S. in the east of ND, SD, NE, KS, OK, and TX.

MC 41294 (Sub-4), filed October 12, 1982. Applicant: UNITED RIGGING & HAULING, INC., 6701 Ammendale Rd., Beltville, MD 20705. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St. NW., Washington, DC 20004, (202) 737–1030. Transporting *commodities* which because of size or

weight require special equipment, between points in the U.S. (except AK and HI).

MC 67234 (Sub-60), filed October 6, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Leeds & Northrup Company, A Unit of General Signal Corp., of North Wales, PA.

MC 67234 (Sub-61), filed October 6, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400. St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Standard Oil Company (Indiana), of Chicago, IL.

MC 67234 (Sub-62), filed October 12, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400. St. Louis, MO 63105. (314) 727–0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and KI), under continuing contract(s) with Solid State Scientific, Inc., of Montgomeryville, PA.

MC 102285 (Sub-10), filed October 8, 1982. Applicant: MIAMI TRANSFER CO., INC., 10340 N.W. 37th Ave., P.O. Box 680579, Miami, FL 33168. Representative: Norman J. Bolinger, Suite 225, 3100 University Blvd., S. Jacksonville, FL 32216, (904) 724–7539. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, FL, GA, NC, and SC.

MC 123074 (Sub-23), filed October 14, 1982. Applicant: M. L. ASBURY, INC., 1100 S. Oakwood, Detroit, MI 48217. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084, (313) 649–6650. Transporting *Commodities in bulk*, (1) between points in MI, OH, IL, and IN; and (2) between ports of entry on the International Boundary line between the United States and Canada, in the U.S., on the one hand, and, on the other, points in MI, IN, IL, and OH.

MC 123675 (Sub-10), filed October 14, 1982. Applicant: SOLDIER BROS. A B T LINE, INC., 614 Paine Ave., Toledo, OH 43605. Representative: Keith D. Warner (same address as applicant), (419) 691–6746. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The General Tire & Rubber Company Akron, OH.

MC 126545 (Sub-16), filed October 1, 1982. Applicant: GLENERY, INC., 173 Hickory Street, Kearny, NJ 07032. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with BASF Wyandotte, of Holland, MI.

MC 128075 (Sub-47), filed October 13, 1982. Applicant: JOHNSRUD TRANSPORT, INC., 5301 Northeast 17th St., Des Moines, IA 50313. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *Food and related products*, between points in the U.S. under continuing contract(s) with Hunt-Wesson Foods, Inc. of Fullerton, CA.

MC 136635 (Sub-73), filed October 12, 1982. Applicant: WHITEFORD TRUCK LINES, INC., 640 West Ireland Rd., South Bend. IN 46680. Representative: Morman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 148814 (Sub-3), filed October 14, 1982. Applicant: NATIONAL TRAFFIC SERVICE, INC., 1706–196th S.E., Bothell, WA 98011. Representative: Frank Willson, 2828 Colby, Suite 400, Everett, WA 98201, (206) 259–5511. Transporting (1) *glass*, between points in TX, MO, OK, TN, VA, PA, and CA, on the one hand, and, on the other, points in WA, OR and CA, (2) *glass and lumber*, between ports of entry on the international boundary line between the U.S. and Canada, in WA, on the one hand, and, on the other, points WA, (3) *lumber and shakes*, between points in WA and OR, on the one hand, and, on the other, points in the U.S. (except AK and HI), (4) *plastic insert layers*, between points in CA and MI, on the one hand, and, on the other, points in WA, (5) *plastic trim*, between points in WA, on the one hand, and, on the other, points in MI, (6) *polymers*, between points in CA, on the one hand, and, on the other, points in WA, (7) *aluminum extrusions*, between points in MO, on the one hand, and, on the other, points in CA, UT, WA and OR and (8) *wood products and prefinished moldings*, between points in WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150255 (Sub-10), filed October 8, 1982. Applicant: LEPRINO TRANSPORTATION COMPANY, 3740 Shoshone St., Denver, CO 80211. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202 (303) 892–6700. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Empire Staple Company of Denver, CO.

MC 151934 (Sub-2), filed October 13, 1982. Applicant: KING'S EXPRESS, INC., R. R. 2, St. Joseph, MN 56374. Representative: Stanley C. OLsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Robel Packers, Inc. of St. Cloud, MN.

MC 155235 (Sub-1), filed October 12, 1982. Applicant: DAVIDSON TRUCKING CO., INC., 140 Canal St., Malden, MA 02148. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181 (617) 235–5571. Transporting *metal and metal products*, between points in the U.S., under continuing contract(s) with Penn Culvert Company, Inc., of Billerica, MA

MC 157105 (Sub-1), filed October 15, 1982. Applicant: B & R TRUCK LINE, INC., 2226 Brooktree, P.O. Box 30001, Houston, TX 77249. Representative: Charles E. Munson, 500 W. Sixteenth St., P.O. Box 1945, Austin, TX 78767 (512) 978–9808. Transporting (1) *Mercer commodities*, (2) *those commodities which because of their size or weight require the use of special handling or equipment*, and (3) *metal products*, (a) between points in TX, OK, NM, AR, LA and MS, and (b) between points in TX, OK, NM, AR, LA and MS, on the one hand, and, on the other, points in CA, AZ, UT, CO, ND, KS, IL, IN, MI, OH, PA, NY and FL.

MC 160345, filed October 8, 1982. Applicant: EATON TRANSPORATION COMPANY, INC., 2951 Coors Ct., Santa Rosa, CA 94501. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111 (415) 986–1414. Transporting *food and related products*, between points in CA and CO.

MC 161754, filed October 13, 1982. Applicant: ANCONA GRAIN, INC., Ancona, IL 61311. Representative: Albert

A. Andrin, 180 North La Salle Street, Chicago, IL 60601 (312) 332–5106. Transporting (1) *fertilizer and chemicals*, between points in IL, WI, IA, MO and IN, and (2) *concrete products*, between points in IL, on the one hand, and, on the other, points in WI, IA, IN, MO, KY, MI, TN, MN, OH, NE and KS.

MC 164134, filed October 6, 1982. Applicant: DIRECT EXPRESS, INC., P.O. Box 2280, Dearborn, MI 48123. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084 (313) 649–6650. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pharmaceuticals, medical supplies and equipment, and hospital supplies and equipment, between Detroit, MI, on the one hand, and, on the other, points in OH.

MC 164145, filed October 5, 1982. Applicant: VAL TRUCKING, INC., 3226 W. Durango, Phoenix, AZ 85009. Representative: Donald E. Fernaays, 2619 N. 50th Place, Phoenix, AZ 85008 (602) 952–1560. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with AmeriGas, of Phoenix, AZ.

MC 164165, filed October 4, 1982. Applicant: LEE M. WHITE, INC., P.O. Box 434, Franklin, VA 23851. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229 (804) 282–3809. Transporting (1) *building materials*, (2) *lumber and wood products*, and (3) *pulp, paper and related products*, between points in NC and VA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 164175, filed October 12, 1982. Applicant: MACHINERY TRANSPORT SPECIALISTS, INC., P.O. Box 27011, Milwaukee, WI 53227. Representative: Ronald E. Laitsch, 108 S. Second St., Watertown, WI 53094 (414) 261–9725. Transporting *machinery and related parts*, between points in the U.S. (except AK and HI).

MC 164195, filed October 13, 1982. Applicant: INTERCOASTAL TRANSPORTATION, INC., 58–51 52nd Ave., Woodside, NY 11377. Representative: Alfred C. Fields (same address as applicant), (212) 424–9800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Schrafft Candy Co., of Boston, MA, (2) D.V.C. Industries Inc., of Bayshore, NY, (3) Fiberlux, Inc., of Mt. Vernon, NY, (4) Rainbow Industries, Inc., of Flushing, NY, (5) Meldon Steel, of Westbury, NY, (6) A.D.I., Inc., of Queens, NY, (7) Bremer Paper, of Glendale, NY, (8) Jameco Industries, Inc., of Wyadanch, NY, (9) American Jawa, of Plainview, NY, and (10) Knomark, Inc., of Jamaica, NY.

MC 164215, filed October 14, 1982. Applicant: DEWEY JOE DUNCAN, d.b.a. DUNCAN'S SERVICE COMPANY, 1503 West Marshall Ave., Longview, TX 75604. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *wrecked, disabled, and abandoned vehicles*, and *replacement vehicles* for wrecked and disabled vehicles, between points in TX, LA, NM, MS, AR, and OK.

MC 128685 (Sub-44), filed September 3, 1982, previously published in the **Federal Register** issue of September 28, 1982. Applicant: DIXON BROS., INC., P.O. D. 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern I, Billings, MT 59101, (406) 248–2611. Transporting *building and construction materials, equipment and supplies*, between points in the U.S. in and west of OH, KY, MO, AR, and LA.

Note.—This republication corrects the commodity description.

MC 163295, filed August 2, 1982, previously noticed in the **Federal Register** issue on August 20, 1982. Applicant: Z. V. V., INC., Rt. 7, Box 538, Stafford, VA 22553. Representative: Zelda V. Vines (same address as applicant), (703) 659–6282. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in VA, on the one hand, and, on the other, points in VA, FL, MS, TN, PA, NJ, NY, MD, DE, SC, GA, LA, WV, NC, and DC.

Note.—This republication corrects the territorial description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–29603 Filed 10–26–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 15]

Motor Carriers; Applications Alternate Route Deviations, and Intrastate Applications

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Kansas Docket No. T–10080, Filed September 30, 1982. Applicant: GEORGE EUGENE LEWIS D.B.A. GEO-MAR, DELIVERY SERVICE, 3 Norton Rd, Binghamton, NY 13905. Certificiate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities in messenger service:* Between the Towns of Delhi, Sidney and Walton (Delaware County) the Cities of Binghamton, Endicot, Syracuse and Oneonta, and Intrastate and foreign commerce authority sought. Hearing: No hearing scheduled. Request for procedural information should be addressed to the New York State Department of Transportation 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–29608– filed 10–27–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP–5–226]

Motor Carriers; Permanent Authority Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

MC 121699 (Sub-16) (Republication), filed February 17, 1982, published in the FR issue March 8, 1982, and republished

this issue. Applicant: VOLUNTEER EXPRESS, INC., 1325 Elm Hill Pike, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004, 202–347–8862. An Order of the Commission, Division 2, decided October 4, 1982, and served October 7, 1982, finds that the present and future public convience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier by motor vehicle, over irregular routes, transporting general commodities,* between Lexington, Luray, Beech Bluff, Ralston, Terrell, Malesus, Medon, Toone, Conger, Boliver, Middleburg, Hickory Valley and Grand Junction, TN; Michigan City, Lamar, Hudsonville, Holly Springs, Waterford, Spraggins, Abbeville, McClary, College Hill, Oxford, Taylor, and Water Valley, MS; Deanfield, Whitesville, Philpot, Oak Ridge, Masonville, Thompsonville, and Edgoten, KY; Kenwood, Hickory Point, Dodsville, Fox Bluff, Chapmansboro, Parkburg, Deanburg, Silerton, Hornsby, Searles, and Lacy, TN, on the one hand, and on the other, points in the United States, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the grant of authority to transport general commodities without exception and to serve points in Alaska and Hawaii.

Conditions: (1) The certificate to be issued, to the extent it authorizes the transportation of explosives, will be conditioned to expire 5 years from its date of issuance, subject to exension upon appropriate petition.

(2) Applicant must certify to the Commission, prior to initiating operations, that all rail service has actually terminated at the involved points. Applicant must send an affidavit marked "Certification of Rail Service Termination" to the Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

[FR. Doc 82-29607 Filed 10-27-82; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 009]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall address specifically the issue(s) indicated as the purpose for republication. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

By the Commission.

Agatha L. Mergenovitch,

Secretary.

MC 98776 (Sub-10) (republication), filed April 20, 1982; published in the **Federal Register** issue of May 6, 1982; and republished this issue. Applicant: ELDRIDGE TRUCK LINE, Inc., P.O. Box 659, Somerset, KY 42501. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602, Phone: (502) 223–8244. In a decision by the Commission, Review Board Number 3, decided September 22, 1982, and finds that performance by applicant: To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting commodities in bulk, between points in Kentucky, on the one hand, and, on the other, points in Indiana, Illinois, Ohio, North Carolina and Tennessee.

Note: The purpose of this republication is to correct the territorial description.

MC 141197 (Sub-50) (republication), filed November 20, 1980; published in the **Federal Register** issue of July 2, 1982; and republished this issue. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Rd., Riverside, MO 64151. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068, Phone: (816) 781–6000. In a decision by the Commission, Review Board Number 2, decided September 9, 1982, and finds that performance by applicant: To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities,* between Altamont and Maysville, MO; Calhan and Roman, CO; Avoca, IA; Deshler and Ruskin, NE; and Toulon, IL, on the one hand, and, on the other, points in the United States; will serve a useful public purpose responsive to a public demand or need. Applicant is fit, willing, and able properly to perform the granted service and to conform to statuory and administrative requirements.

Note (A): (1) To the extent that the Certificate to be issued in this proceeding, authorizes the transportation of classes A and B explosives, it will expire five (5) years from the date it is issued; and (2) applicant must certify to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423.

Note (B): The purpose of this republication is to include "Avoca, IA; Deshler, Hebron, and Ruskin, NE; and Toulon, IL" in the territorial description.

MC 144757 (Sub-23) (republication), filed June 21, 1982; published in the **Federal Register** issue of July 14, 1982; and republished this issue. Applicant: Dakota Pacific Transport, Inc., 3104 E. St. Patrick, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheriden Lake Rd., Rapid City, SD 57701, Phone: (605) 343–4036. In a decision by the Commission, Review Board Number 2, decided October 7, 1982, and finds that performance by applicant: To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities,* between Aredale, Cartersville, Dougherty, Kesley, Camp Dodge, and Johnston, IA; Garden Plain, Beason, Burtonview, Hallville, Jenkins, Johnson Siding, Skelton, Argenta, and Oreana, IL; Welch, Gloster, North St. Paul, Ely, Murray, Rivers, Robinson, Tower Junction, and Wahlsten, MN; Haddam, Hollis, Morrowville, and Wayne, KS; Lanham, NE; Blanche, Blue Pond, Burgess, and Jamestown, AL; Chelsea, Menlo, and Patton, GA; Prine, FL; Amsterdam, Berger, Hollister, and Rogerson, ID; Williamsville, Blooming Grove, Vails Gate, Gardiner, New Paltz, Wallkill, Cherry Creek, Conwango, South Dayton, and Spring Valley, NY; Konawa and Maud, OK; Bainbridge, Summit, Bondclay, Lawco, Lisman, Pedro, Royersville, Superior, Crooksville, Fultonham, Glass Rock, Roseville, Roseville Mine, South Zanesville, Spangler, Bangs, Centerburg, Condit, Galena, Gambier, Howard, Millwood, Sunbury, Westerville, Farmersville, Ft. Jefferson, Ingomar, Lewisburg, Savona, and West Alexandria, OH; Clinton, MI; Deringer, Gowen Breaker, Export, Murraysville, Coilton, Keplers Mill, Tatamy, Walters (Lower Mill), Bowmanston, Cementon, Coplay, Hokendauqua, and Slatington, PA; Ben Davis and Bridgeport, IN; Amenia, ND, on the one hand, and, on the other, points in the United States; will serve a useful public purpose responsive to a public demend or need. Applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note: (A) (1): To the extent that the Certificate to be issued in this proceeding,

authorizes the transportation of classes A and B explosives, it shall be limited in point of time, to a period expiring five (5) years from the date it is issued; and (2) applicant must certify to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The Certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423.

Note (B): The purpose of this republication is to include "classes A and B explosives and household goods" in the commodity description.

[FR Doc. 82-29606 Filed 10-27-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Temporary Authority Applications

Correction

In FR Doc. 82-25848 beginning on page 41435 in the issue of Monday, September 20, 1982, make the following correction:

On page 41438, third column, in the paragraph for *MC 149141 (Sub-4-2TA), Melvin R. Steen, Applicant*, in line 11, "Manteca" should have been designated "Manteca, CA".

BILLING CODE: 1505-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278 or Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specfics	Review board [1]	Decided date
325	Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0243, (Bituminous coal)	2	10-21-82
326	Chicago Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0252, (Soda ash)	3	10-21-82
329	Southern Pacific Transportation Co., ICC-SP-C-0233, ICC-SP-C-0234, (Soda ash), and ICC-SP-C-0236 (Chemicals: borax) (Sordium borate), Acid, boric or borax (Sodium borate), and (Acid, boric)	3	10-22-82
330	Soo Line Railroad Co., ICC-SOO-C-0112, (Woodpulp and printing paper)	3	10-22-82
331	Soo Line Railroad Co., ICC-SOO-C-0111, (Woodspulp, printing paper, and pulp mill by-products)	1	10-21-82

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Member Fortier not participating. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29483 Filed 1027-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Advisory Board; Meeting

Notice is hereby given that the National Institute of Justice Advisory Board will hold its meeting on November 13, 1982 from 1:00 P.M. to 5:00 P.M., on November 14, 1982 from 9:00 A.M. to 5:00 P.M. and on November 15-16, 1982 from 2:00 P.M. to 4:30 P.M. at the Hyatt Regency, 265 Peachtree Street, N.E., Atlanta, Georgia.

The first two days will be devoted to an indepth briefing on the National Institute including the status of current and planned programs. The Board will also continue its discussion on organization and development of its by-laws.

This meeting is being held in conjunction with the annual meeting of the International Association of Chiefs of Police. On November 15 and 16, executive officials of the four major law enforcement associations will present to the Board their views on current law enforcement needs and research priorities.

The meeting is open to the public. For further information, please contact Betty M. Chemers, National Institute of Justice, U.S. Department of Justice, Washington, D.C. 20531 (202-724-2953).

Dated: October 20, 1982.

James K. Stewart,

Director-Designate.

[FR Doc. 82-29690 Filed 10-27-82; 8:45 am]

BILLING CODE 4410-18-M

Agency Forms Under Review

October 25, 1982.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, extensions, or revisions. Each entry contains the following information.

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3503(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OBM review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting coments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer Larry E. Miesse—202-633-4312.

New (not previously approved or expired more than 6 months ago)

• Federal Bureau of Investigation
Department of Justice
Nationwide Law Enforcement Training Needs Assessment
Annually
State or local governments
State and local law enforcement agencies throughout the United States: 16,000 responses; 16,000 hours; not applicable under 3504(h).
Andy Uscher—395–4814

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 82-29595 Filed 10-27-82; 8:45 am]

BILLING CODE 4410-01-M

Advisory Committee on Tax Litigation; Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App. I, Supp. II), and with the approval of the Attorney General, and following consultation with the Committee Management Secretariat, General Service Administration, the Assistant Attorney General, Tax Division, Department of Justice, has determined that renewal of the Advisory Committee on Tax Litigation is in the public interest in connection with the performance of duties imposed on the Tax Division by law.

Purpose: The primary purpose of the Advisory Committee on Tax Litigation is to provide an organized public forum for discussion between Justice Department officials and representatives of the public of relevant tax litigation issues. The Advisory Committee also is to provide constructive observations about the Tax Division's current or proposed policies, programs, and procedures, and problems which may be encountered by taxpayers and tax practitioners in dealing with the Tax Division, Department of Justice. Where appropriate or necessary, the Advisory Committee presents recommendations on improving Tax Division operations.

Membership: The Advisory Committee consists of fourteen (14) members, all of whom must have a background and interest in, and concern for, litigation of Federal tax matters.

The Committee membership will be balanced in terms of points of view represented and geographical origin. It will be appointed by the Assistant Attorney General, Tax Division.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act.

Termination: The services of the Advisory Committee are expected to be needed for an indefinite period of time and the Committee will be an ongoing endeavor. The instant authorization is for a two-year term, with further provision for renewal of the Committee's charter on a biennial basis thereafter.

Interested persons are invited to submit comments regarding the current activity for the Advisory Committee on Tax Litigation. Such comments, as well as any inquiries, may be addressed to Diane M. Kozub, Liaison Officer, Tax Division, Department of Justice, Washington, D.C. 20530, phone: 202–633–3968.

Dated: October 15, 1982.

Glenn L. Archer, Jr.,

Assistant Attorney General, Tax Division, Department of Justice.

[FR Doc. 82-29560 Filed 10-27-82; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on June 21, 1982, Arenol Chemical Corporation, 40–33 23rd Street, Long Island City, New York 11101, made application to the Drug Enforcement Administration to be registered as an importer of Phenylacetone (8501), a basic class controlled substance in Schedule II.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressd to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203) and must be filed no later than November 29, 1982.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Acting Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a) and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: October 21, 1982.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control Drug Enforcement Administration.

[FR Doc. 82-29698 Filed 10-27-82; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 21, 1982, Arenol Chemical Corporation, 40–33 23rd Street, Long Island City, New York 11101, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II.
Methamphetamine (1105)	II.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537,

Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than November 29, 1982.

Dated: October 21, 1982.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 82-29699 Filed 10-27-82; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL SCIENCE FOUNDATION

Permit Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit issued under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7934.

SUPPLEMENTARY INFORMATION: On September 9, 1982, the National Science Foundation published a notice in the Federal Register of a permit application received. On October 13, 1982 a permit was issued to: Warren M. Zapol, M.D. and Robert C. Schneider, M.D.

Charles E. Myers,

Division of Polar Programs.

[FR Doc. 82-29873 Filed 10-27-82; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social and Economic Science, Subpanel for Sociology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel for Sociology of the Advisory Panel for Social and Economic Science.

Date and time: November 15 and 16, 1982, Monday—9:00 a.m. to 5:30 p.m.; Tuesday—9:00 a.m. to 4:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C., Room 338.

Type of Meeting: Closed.

Contact person: Joanne Miller, Acting Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-7802.

Purpose of subpanel: To provide advice and recommendation concerning support for research in the Sociology Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 25, 1982.

[FR Doc. 82-29654 Filed 10-27-82; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social Science, Subpanel on Economics; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Economics of the Advisory Panel for Social Science.

Date/time: November 4, 1982—9:00 a.m. to 5:00 p.m. November 5, 1982—9:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G St., NW (Rm. 628) Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Daniel H. Newlon, Program Director for Economics, Room 312, National Science Foundation, Washington, DC 20550, Telephone (202) 357-9674.

Purpose of subpanel: To provide advice and recommendations concerning support for research in Economics.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Reason for late notice: Administrative oversight.

M. Rebecca Winkler,

Committee Management Coordinator.

October 25, 1982.

[FR Doc. 82-29653 Filed 10-27-82; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on November 4-5, 1982, in Room 1046, 1717 H Street, NW., Washington, D.C. Notice of this meeting was published in the Federal Register on September 22, 1982.

The agenda for the subject meeting will be as follows:

Thursday, November 4, 1982

8:30 A.M.-9:00 A.M.: Report of ACRS Chairman (Open)—The ACRS Chairman will report briefly on miscellaneous matters of interest relating to ACRS activities.

9:00 A.M.-12:30 P.M.: SEP Review of Light Water Reactors (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding the SEP review and evaluation of the Oyster Creek Nuclear Power Plant No. 1 and regarding the difference summaries for the Dresden Power Station Unit 2 and the Millstone Nuclear Power Station Unit No. 1.

Members of the NRC Staff will report and respond to Committee questions regarding these evaluations. Representatives of the power plant licensees will also participate in the discussion to the degree considered appropriate.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being discussed.

1:30 P.M.-2:30 P.M.: ACRS Subcommittee Activities (Open)—The members will hear and discuss the reports of designated ACRS Subcommittee Chairmen concerning recent activities including the proposed NRC rule (10 CFR Part 50) for resolution of ATWS, and consideration of extreme external phenomena in the regulatory review of nuclear power plants.

2:30 P.M.-4:30 P.M.: Clinch River Breeder Reactor (Open)—Representatives of the NRC Staff will report to the Committee regarding

proposed criteria to be used as the basis for the CP review of this project.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being discussed.

4:30 P.M.–6:00 P.M.: ACRS Reports to the Nuclear Regulatory Commission (Open)—The Committee members will discuss the proposed ACRS report regarding the SEP review of the Oyster Creek Nuclear Power Plant No. 1 and proposed ACRS comments regarding the criteria proposed for the CP review of the CRBR.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being discussed.

Friday, November 5, 1982

8:30 A.M.–10:30 A.M.: NRC Human Factors Integrated Program Plan (Open)—The members will hear the report of its Subcommittee and consultants who may be present regarding the proposed NRC Human Factors Integrated Program Plan. Members of the NRC Staff will report to the Committee and respond to questions regarding this matter.

10:30 A.M–11:15 A.M.: ACRS Subcommittee Activities (Open)—The Committee members will hear the reports of designated Subcommittee Chairmen and members concerning safety related matters including proposed changes in NRC Rules (10 CFR Part 21) Reporting of Defects and Noncompliance; 10 CFR Part 140, Criteria for an Extraordinary Nuclear Occurrence; and the thermal-hydraulic design of the CRBR.

11:15 A.M.–12:30 P.M.: Future ACRS Activities (Open)—The members will discuss anticipated subcommittee and full Committee activities including consideration of items such as preparation of the ACRS annual safety research report to the U.S. Congress, review of the CRBR, and Phase III of the Systematic Evaluation Program.

1:30 P.M.–2:00 P.M.: ACRS Subcommittee Activities (Open)—The members will hear and discuss the report of the ACRS Procedures Subcommittee regarding the conduct of ACRS activities, conduct of individual ACRS members and working relations with the NRC Staff.

Portions of this session will be closed as necessary to discuss information the release of which would represent an undue invasion of personal privacy and the internal personnel rules and practices of the agency.

2:00 P.M.–5:30 P.M.: ACRS Reports to the Nuclear Regulatory Commission (Open)—The members will complete consideration of proposed ACRS reports and comments/recommendations to the NRC and its staff regarding items considered during this meeting.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 30, 1981 (46 FR 47903). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)), and safeguards information (5 U.S.C. 552b(c)(3)), and inormation, the release of which would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)), and relates solely to internal agency personnel rules and practices (5 U.S.C. 552b(c)(2)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond, F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M. EST.

Dated: October 21, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–29687 Filed 10–27–82; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Clinch River Breeder Reactor; Meeting

The ACRS Subcommittee on Clinch River Breeder Reactor (CRBR) will hold a meeting on November 19, 1982, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will continue discussion of the HCDA energetics issue for CRBR.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary, industrial security and/or Unclassified Safeguards information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTIONS 3 and 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Friday, November 19, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Department of Energy, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary, industrial security and/or Unclassified Safeguards information. The authority for such closure is Exemptions (3) and (4) to the Sunshine Act, 5 U.S.C. 552b(c) (3), (4).

Dated: October 22, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-29688 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new revision or extension: Revision.

2. The title of the information collection: Proposed Amendments to 10 CFR Parts 30, 40 and 70 Specifying Licensee Responsibility for Nuclear Materials and Procedures for Termination of Specific Licenses.

3. The form number if applicable: Not applicable.

4. How often the collection is required: Once per license.

5. Who will be required or asked to report: 10 CFR Parts 30, 40 and 70 Licensees.

6. An estimate of the number of responses: 220 per year.

7. An estimate of the total number of hours needed to complete the requirement or request: 510.

8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: The proposed amendments would clarify a licensee's authority and responsibility for nuclear material and allow for orderly termination of specific licenses issued under 10 CFR Parts 30, 40 and 70. The proposed rule also specifies that a license remains in effect until the Commission notifies the licensee, in writing, that the license is terminated. The proposed rule is necessary to establish clear procedures for termination of licenses in order to establish a more coherent regulatory framework.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street N.W., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott, (303) 492-8585.

Dated at Bethesda, Maryland, this 22nd day of October 1982.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 82-29665 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission—New information request.

2. The title of the information collection: Steam Generator Tube Integrity.

3. The form number if applicable: NA.

4. How often the collection is required: One.

5. Who will be required or asked to report: All PWR Licensees.

6. An estimate of the number of responses: 50.

7. An estimate of the total number of hours needed to complete the requirement or request: 15,000 hours.

8. An indiction of whether Section 3504(h), Pub. L. 96-511 applies: No.

9. Abstract: Information request to support hearing concerning economic and worker safety of the problem concerning steam generator tube integrity.

Copies of the submittal may be inspected or obtained for a fee from NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 22nd day of October 1982.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 82-29686 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. NPF-6 issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit 2 (the facility), located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment allows for testing of the electrical containment penetration conductor circuit breakers in accordance with manufacturer's recommendations. These tests are an improvement over those previously required since each overcurrent trip element of the circuit breaker is tested rather than just the instantaneous trip element.

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 the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 23, 1982, as supplemented September 22, 1982, (2) Amendment No. 35 to Facility Operating License No. NPF-6, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 and at the

Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801. 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 15th day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-29677 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. NPF-6 issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit 2 (the facility), located in Pope County, Arkansas. The amendment is effective within 30 days of its date of issuance.

The amendment modifies the ANO-2 Appendix A Technical Specifications dealing with the surveillance requirements for the pressurizer safety valves.

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 the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 29, 1980 as supplemented May 6, 1981, (2) Amendment No. 36 to Facility Operating License No. NPF-6, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-29678 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-35 issued to Boston Edison Company (the licensee), which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility), located near Plymouth, Massachusetts. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications to clarify conditions for which containment isolation valve operability is required and actions to be taken in the event of containment isolation valve inoperability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since it does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this act, see (1) the application for amendment dated September 30, 1982, (2) Amendment No. 63 to License No. DPR-35, and (3) the Commission's letter to the licensee dated October 21, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of October, 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-29681 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District (Cooper Nuclear Station); Exemption

I

The Nebraska Public Power District (the licensee) is the holder of Facility Operating License No. DPR-46 (the license) which authorizes operation of the Cooper Nuclear Station located in Nemaha County, Nebraska, at steady state reactor core power levels not in excess of 2381 megawatts thermal (rated power). This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.71(e) of 10 CFR Part 50 requires the licensees of nuclear power reactors to submit an Updated Final Safety Analysis Report (UFSAR) within 24 months of July 22, 1980 (effective date of regulation).

By letter dated July 16, 1982, Nebraska Public Power District (NPPD) stated that it could comply with the rule, but requested an Exemption from the requirements of 50.71(e) for Cooper Nuclear Station (CNS) for six months for the following reasons. To assure that the draft UFSAR, provided by Stone and Webster Engineering Corporation under contract to NPPD, would reflect the integrated operation of the station, the licensee embarked on a particularly indepth review. And further, the licensee used this occasion to involve all licensee personnel associated with the technical support of the station in this review, which it considers would provide valuable training. These aspects

would have had to be curtailed to meet the July 22, 1982 submittal date in the regulations. As a result, the licensee is requesting a six-month exemption from the date of compliance.

The staff has evaluated the licensee's request for a six-month extension to the regulation that requires an UFSAR be submitted by July 22, 1982. We believe that the extension of time is warranted to permit completion of an indepth review of the UFSAR and thus permit both the involvement and additional training of plant personnel. The staff has determined that good cause has been shown to support the exemption and therefore, a six-month exemption from the date of compliance is acceptable.

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 following exemption from compliance with the July 22, 1982 date for submitting an UFSAR:

A revision of the original FSAR containing those original pages that are still applicable plus new replacement pages shall be filed by January 22, 1983. This revision shall bring the FSAR up to date as of a maximum of 12 months prior to the date of filing the revision. The next revision shall be filed no later than July 22, 1983 so that subsequent revisions will be in compliance with § 50.71(e) of 10 CFR Part 50.

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 22nd day of October, 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-29679 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Facility Operating License No. DPR-42, and Amendment No. 52 to Facility Operating License No. DPR-60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revise the Appendix A Technical Specifications concerned with the peak burnup limits shown in Figure TS.3.10-7. The peak burnup limit is increased from 47,000 to 51,000 MWD/MTU.

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 June 14, 1982 as revised July 7 and September 24, 1982, (2) Amendment Nos. 58 and 52 to License Nos. DPR-42 and DPR-60, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnestoa 55401. 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 18th day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-29680 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and The Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. NPF-3 issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This amendment allows a change in the calculational method for determining the maximum allowable high flux trip setpoint when one or more safety valves on any steam generator are inoperable.

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 the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 5, 1982, (2) Amendment No. 48 to License No. NPF-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the University of Toledo Library, Documents Department, 2801 West Bancroft Avenue, Toledo, Ohio 43606. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of October, 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-29683 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

Virgil C. Summer Nuclear Station (Unit No. 1); Issuance of Amendment to Facility Operating License No. NPF-12

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensees) for the Virgil C. Summer Nuclear Station, Unit No. 1 (the facility) located in Fairfield County, South Carolina. This amendment modifies the Technical Specifications to provide for a tolerance on the hydrogen content of the sample gas used in the calibration of the containment hydrogen monitors. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license 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) South Carolina Electric & Gas Company letter, dated October 19, 1982, (2) Amendment No. 3 to Facility Operating License No. NPF-12 with Appendix A Technical Specifications page changes, 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 the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. A copy of Amendment No. 3 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of October 1982.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 82-29682 Filed 10-27-82; 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. 65 to Facility Operating License No. DPR-24, and Amendment No. 70 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 allow a relaxation of the monthly functional test of the turbine stop and governor valves during end of cycle operation with low primary system boron concentration.

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 June 14, 1982, (2) Amendment Nos. 65 and 70 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 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 15th day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-29689 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266-OLA, 50-301-OLA, 50-266-OLA2]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Units 1 and 2); Relocation of Hearing

October 21, 1982.

The November 17-20, 1982 evidentiary hearing, related primarily to the adequacy of in-service non-destructive testing of the sleeves that Wisconsin Electric Power Company (applicant) proposes to use to repair corroded steam generator tubes, primarily in Unit 2, has been relocated pursuant to the suggestion of all the parties. Sessions will still be held November 17-20, 1982, from 9 am to 5 pm daily, with additional sessions if required. Limited appearance statements may be presented to the Board on November 17 from 8 pm to 10 pm at the originally scheduled location: Carlton on the Lake, 1515 Memorial Drive, Two Rivers, Wisconsin 54241, Telephone: 414-793-4524.

The remainder of the hearing, including a portion devoted to a special prehearing conference in Docket No. 50-266-OLA2, will be held at: U.S. District Court, Room 398, Federal Building, 517 E. Wisconsin Avenue, Milwaukee, Wisconsin 53202, Telephone: 414-291-3372.

Individuals wishing to make limited appearance statements concerning either or both cases may address the Board for no more than five minutes, from 8 pm to 10 pm on November 17, and may file written statements for incorporation in the record, providing that they tell the Board prior to 8 pm November 17, in writing, of their intention to appear. If a person needs more time for an appearance, they must use part of their 5 minutes to persuade the Board that they need the additional time.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chairman, Administrative Judge.

[FR Doc. 82-29689 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF STATE

[CM-8/571]

Integrated Services Digital Network (ISDN) Working Party and Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Working Party and Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee will meet on November 19, at 9:00 a.m. in Room 6320 of the Department of State, 2201 C Street, NW., Washington, D.C.

The agenda for the meeting is as follows:

1. Report of Study Group XVII meeting;
2. Report of Study Group VII, WP I and II meeting;
3. Report of Study Group XVII (ISDN Group of Experts, Level I Characteristics of basic access) meeting;
4. Impact on Study Group VII meeting with respect to common physical interface;
5. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore requested that prior to November 19 persons who plan to attend the meeting inform Mr. William Lowell, Office of International Communications Policy, Department of State, telephone (202) 632-6583, of their intention. All attendees must use the C Street entrance to the building.

Dated: October 12, 1982.

Arthur L. Freeman,

Director, Office of International Communications Policy.

[FR Doc. 82-29696 Filed 10-27-82; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/572]

Overseas Schools Advisory Council; Meeting

The Overseas Schools Advisory Council, Department of State, will hold its annual meeting on Wednesday, December 15, 1982, 9:30 a.m., in Conference Room 1408, Department of State Building, Washington, D.C.

Agenda items scheduled for discussion are as follow:

I. Welcome and Introduction of Participant
II. Greetings from the Department of State
III. Status Report of the 1981–1982 Program
IV. Results of Surveys and Reports Regarding Local Fund-Raising Activities Conducted by Overseas Schools and Meetings Organized by Regional Overseas Schools Associations
V. Review of Council's Program For Improving Educational Opportunities Abroad For Dependents of U.S. Government, Corporations and Foundation Employees
VI. Participation of U.S. Corporations and Foundations Overseas Personnel on School Boards
VII. Council Communications of U.S. Corporations and Foundations
VIII. Election of Council's Chairman and Vice Chairman
IX. Other Business

For purposes of fulfilling building security, members of the public desiring to attend the meeting should call Ms. Joyce Bruce, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703–235–9600, prior to December 15, the public may participate in discussions at the Chairman's instructions

Dated: October 19, 1982.

Ernest N. Mannino,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 82-29697 Filed 10-27-82; 8:45 am]

BILLING CODE 4710-24-M

[CM-8/570]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on November 18, 1982 at 9:30 a.m. in Room 330, Federal Communications Commission, Brown Building, 1200 19th Street NW., Washington, D.C.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting is to review preparations for the meeting of international Study Group 1 in October, 1983.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520; telephone (202) 632–2592.

Dated: October 19, 1982.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 82-29695 Filed 10-27-82; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/569]

Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet jointly on November 15, 1982 in Room 330, Brown Building, 1220 19th Street, NW., Washington, D.C. at 9:30 a.m.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The purpose of the meeting is to review the work under way in preparations for the international meetings of Study Groups 10 and 11 in September 1983.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Dated: October 19, 1982.

Gordon L. Huffcutt,

Chairman, U.S. CIR National Committee.

[FR Doc. 82-29694 Filed 10-27-82; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Executive Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on November 17, 1982 at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks and Introductions; (2) Approval of Minutes of Meeting Held on September 17, 1982; (3) Chairman's Report on RTCA Administration and Activities; (4) Special Committee Activities Report for September and October, 1982; (5) Status Report on Future Planning Group Activities; (6) Report of Fiscal and Management Subcommittee; (7) Consideration of Establishing New Special Committees; (8) Approval of Special Committee 136 Report on Emergency Locator Transmitter (ELT) Equipment Installation and Performance; (9) Comments and Reports of International Associates; and (10) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1425 K Street, N.W., Washington, D.C. 20005, (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on October 18, 1982.

Karl F. Bierach,

Designated Officer.

[FR Doc. 82–29612 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement, Valencia County, New Mexico

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will no longer be prepared for a proposed highway project in Valencia County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Bruce Lind, Program Development Engineer, Federal Highway Administration, 117 U.S. Court House, Santa Fe, New Mexico 87501, Telephone: (505) 988–6136.

SUPPLEMENTARY INFORMATION: On Jan. 28, 1982, the FHWA, in cooperation with the New Mexico State Highway Department, issued a Notice of Intent to prepare an environmental impact statement (EIS) on a proposal to improve SR–49 in Valencia County, New Mexico. Through subsequent studies and coordination with other agencies, no significant impacts on the quality of the human environment have been identified as a result of this proposal. Therefore an EIS will not be prepared for this proposed project.

An environmental assessment is being prepared for this project and a public hearing will be held in December, 1982.

Issued on: October 18, 1982.

Bruce A. Lind,

Program Development Engineer, Santa Fe, New Mexico.

[FR Doc. 82–29435 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Mercer and Somerset Counties, New Jersey

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Mercer and Somerset Counties, New Jersey.

FOR FURTHER INFORMATION CONTACT: Lloyd J. Jacobs, Staff Specialist for the Environment, Federal Highway Administration, 25 Scotch Road, Second Floor, Trenton, New Jersey 08628, Telephone: (609) 989–2291.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Jersey Department of Transportation (NJDOT), intends to prepare an Environmental Impact Statement on a proposed action to construct a section of I–95 in Mercer and Somerset Counties (Federal Project Number I–95–5(13)3) and to complete I–695 (Federal Project Number I–695–4(1)22) in Somerset County, all in New Jersey. The proposed project would consist of constructing a six-lane freeway to Interstate standards from the present terminus of I–95 from its junction with I–295 in Hopewell Township, Mercer County to I–287 in Franklin Township, Somerset County. The total project length is approximately 26 miles. The purpose of the proposed project is to close a gap in the most easterly Interstate route that runs from Maine to Florida, allow interstate traffic to bypass the New York-northeastern New Jersey metropolitan area when used in the future with a completed I–287, and serve northeast-southwest traffic movements within and through New Jersey.

Alternatives under consideration include the no-build and four build alternatives using various alignments.

No formal scoping meeting is planned at this time as coordination with federal, state, and local agencies and the public has been in process since 1976.

A public hearing will be scheduled upon completion of the Draft EIS. The Draft EIS will be available for agency and public review and comment prior to the public hearing.

Comments or questions concerning this proposed action and Draft EIS should be directed to the FHWA at the address provided above.

Issued on: October 19, 1982.

John J. Kessler, Jr.,

Division Administrator, Trenton, New Jersey.

[FR Doc. 82–29675 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–22–M

Maritime Administration

[Docket No. S–723]

Aeron Marine Shipping Co., Aries Marine Shipping Co., Atlas Marine Co., Aquarius Marine Co., American Shipping, Inc., Pacific Shipping, Inc., and Worth Oil Transport Co.; Joint Application for Section 805(a) Permission

The subject companies—parties to long-term operating-differential subsidy contracts in the foreign bulk trade of the United States—are affiliates of Adonic Shipping Corp. (Adonic). Adonic is the bareboat charterer of the tug/barge tanker unit named *Groton* from its owner First Tug/Barge Corporation. The *Groton* has been time chartered by Adonic to Amerada Hess Corporation. The subject companies request written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (Act), to be affiliated with Adonic the bareboat charterer of the *Groton*.

The *Groton* operates primarily in the Virgin Islands to U.S. trade, which does not require permission under section 805(a) of the Act. However, from time to time, commencing in the immediate future, and continuing throughout the

period of the Berger subsidized companies' operating-differential subsidy contracts, Adonic intends to operate the *Groton* in the Gulf Coast to East Coast trade, and perhaps other coastwise operations. Accordingly, the permission requested would cover all coastwise operations of the *Groton* for the period of each subsidy contract.

The Berger subsidized companies have a request pending dated February 23, 1982 (Docket S–715) to be affiliated with any other operator which owns, operates or charters vessels in the coastwise or intercoastal trades. Clearly, the instant request is also covered in Docket S–715. However, since the coastwise operations of the *Groton* are scheduled to commence in the immediate future and Docket S–715 has been scheduled for a hearing, this request is separately submitted. It in no way derogates from the full breadth of the permission requested in Docket S–715.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a) of the Act) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, by close of business on November 4, 1982 together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies (ODS))

By Order of the Maritime Administrator.

Dated: October 25, 1982.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 82-29709 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. IP82-6; Notice 2]

Chrysler Corp.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Chrysler Corporation of Detroit, Michigan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on February 22, 1982, and an opportunity afforded for comment (47 FR 7791).

Paragraph S5.2 of Standard No. 120 requires each rim of a truck wheel to be marked with five discrete items of information. Chrysler determined that spare tire wheel rims on approximately 1500 Dodge D150 Ram Miser light duty pickup trucks lacked the designation of the source of the rims' published nominal dimensions, the rim size designation, and the DOT certification symbol. The manufacturer identification and date of manufacture markings were present as required.

Chrysler argued that the noncompliance was inconsequential for the following reasons: The spare wheel provided is a properly matched combination of rim and tire, omission of the information does not in any way compromise the performance characteristics of the rim, and for replacement information attention is more likely to be directed to the sidewall of the tire being replaced than to the rim. Further, in the event of a recall, each rim bears a distinctive Chrysler part number which readily identifies it.

No comments were received on the petition.

The agency concurs in the arguments of the petitioner presented above. In addition, the vehicle label, which meets the requirements of paragraph S5.3, will have listed the tire size designation that is appropriate for the rims. The facts that the rims otherwise comply and that a relatively small number of rims are affected also support the petition.

Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and the petition is hereby granted.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 21, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-29649 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP80-11; Notice 2]

Batavus USA Inc.; Denial of Petition for Determination of Inconsequential Noncompliance

This notice denies the petition by Batavus USA Inc. of Atlanta, Georgia, to be exempted from notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.111, Motor Vehicle Safety Standard No. 111, *Rearview Mirrors.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on July 17, 1980, and an opportunity afforded for comment (45 FR 48015).

Standard No. 111 requires that each motorcycle be equipped with a rearview morror. If the mirror is of unit magnification, it shall have not less than 12.5 square inches of reflective surface (i.e., if circular, a diameter of not less than 3.99 inches). The Batavus mirrow measured 11.75 square inches, having as diameter of 3.855 inches. Approximately 13,800 motor driven cycles (mopeds) have been imported and sold with the mirror in question. Models affected are VA and HS Starlites and the Regency. Vehicles manufactured after January 1, 1979, have complying rearview mirrors. Batavus argued that the noncompliance is inconsequential as it relates to motor vehicle safety because the margin of noncompliance is so small that a safety hazard does not exist.

Two comments were received on the petition, from the Truck Safety Equipment Institute and the Commissioner, Illinois Vehicle Equipment Safety Commission. Both opposed granting the petition,

commenting on the vulnerability of small two-wheeled vehicles to accidents and the necessity of meeting the minimum requirements of Standard No. 111.

The NTSAF concurs with these comments. Because of the vulnerability of moped riders in crashes, and the practical limits of improving the crashworthiness of this type of vehicle, the Federal motor vehicle safety standard intended to enhance the ability to avoid accidents are of great importance. Thus, minimum performance requirements of motorcycle standards must be rigorously examined when they are not met. A motorcycle is required only to have one mirror, and when the viewing area is less than the minimum, that deviation cannot be said to have an inconsequential effect upon safety. Therefore, petitioner has not met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby denied.

The engineer and attorney principally responsible for this notice are Marx Elliott and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); Delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 21, 1982.

Courtney M. Price.

Associate Administrator for Rulemaking.

[FR Doc. 82–29650 Filed 10–27–82 8:45]

BILLING CODE 4910–59–M

[Docket No. EX82–2; Notice 2]

Boyertown Auto Body Works, Inc.; Decision on Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by Boyertown Auto Body Works, Inc., of Boyertown, Pennsylvania, for temporary exemption of its Track Lorry from five Federal motor vehicle safety standards. The petition is denied with respect to one standard. The basis of the petition was that compliance would cause substantial economic hardship.

Notice of receipt of the petition was published on May 6, 1982, and an opportunity afforded for comment (47 FR 19610).

Boyertown intends to produce a Track Lorry for the railroad industry to use as a rail track inspection vehicle. But because it is not designed exclusively for use on rails and would make some use of public roads, it is a motor vehicleand required to comply with all applicable Federal motor vehicle safety standards. The standards for which it has requested exemption are No. 203, *Impact Protection for the Driver From the Steering Control System*, No. 204, *Steering Control Rearward Displacement*, No. 208, *Occupant Crash Protection*, No. 212, *Windshield Mounting*, No. 219, *Windshield Zone Intrusion*, and No. 301, *Fuel System Integrity*. The company appears unsure of the extent to which it may already comply with these standards and intends to make a study of it, at a cost to it of $18,000. Retooling costs to comply with these standards could amount to $300,000. It produced 1,000 motor vehicles of other types last year and had a net loss in 1981 of $14,500. Over the years 1978–1981 it has a cumulative net profit of less than $75,000. It has requested the exemptions for a three-year period.

Boyertown argued that an exemption would be in the public interest and consistent with traffic safety objectives because of the vehicle's use as a track inspection vehicle and the fact that it would not be operated extensively at high speeds on the public roads.

No comments were received on the petition.

The motor vehicle involved is one of the most unusual that has come to NHTSA's attention. It is a hybrid vehicle, a truck that is capable of use both on rails and on the public roadways. Clearly, its use of the latter primarily facilitates its transfer from one job site to another. The objectives of traffic safety will not be compromised by an exemption for a truck whose use of the public roads is limited. The NHTSA also concurs with the petitioner's argument that an exemption for a truck used as a track inspection vehicle, a truck produced by few if any other manufacturers, is in the public interest.

With respect to safety standards, Boyertown clarified its request for exemption from Standard No. 208 to restrict it to the requirements to provide a Type 2 system (lap and shoulder restraints), saying that it had not conducted tests on the system, which would cost it over $4,000 in a computer study, but that it would provide a Type 1 (lap belt) system. NHTSA does not understand the hardship aspects of the request. The cost of the hardware and installation, and wiring to a warning device are minimal in relation to the retail sales price of the vehicle and to conformance costs associated with other standards. Further, the costs to insure compliance with the belt anchorage requirements of Standard No. 210 do not appear excessive. NHTSA has traditionally viewed conformance with occupant restraint requirements as critical to motor vehicle safety. The agency has concluded that Boyertown has not met its burden of persuasion that conformance with Standard No. 208 would create substantial economic hardship, and its petition for exemption from that standard is denied.

With respect to Standards Nos. 203, 204, 212, 219, and 301, the agency finds that immediate compliance would create substantial economic hardship for a company which experienced a net loss in its last fiscal year, and whose cumulative profit in the last four years is less than its estimated cost to retool for compliance with the standards. It further accepts the petitioner's arguments that its limited use on the public roads and its utility as a vehicle involved in safety-related operations supports a finding that an exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

Accordingly, Boyertown Auto Body Works, Inc. is hereby granted NHTSA Exemption No. 82–2, expiring October 1, 1985, from 49 CFR 571.203, Motor Vehicle Safety Standard No. 203, *Impact Protection for the Driver From the Steering Control System*, 49 CFR 571,204, Motor Vehicle Safety Standard No. 204, *Steering Control Rearward Displacement*, 49 CFR 571.212, Motor Vehicle Safety Standard No. 212, *Windshield Mounting*, 49 CFR 571.219, Motor Vehicle Safety Standard No. 219, *Windshield Zone Intrusion*, and 49 CFR 571.301, Motor Vehicle Safety Standard No. 301, *Fuel System Integrity*.

Since the Regulatory Flexibility Act may apply to a proceeding to exempt a single manufacturer, the agency has examined this action under that Act. The agency certifies that the exemption does not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis has not been prepared.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50)

Issued on October 19, 1982.

Diane K. Steed,

Acting Administrator.

[FR Doc. 82–29387 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. EX82–3; Notice 2]

Electric Auto Corp.; Grant of Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by Electric Auto Corporation of America, of

Southfield, Michigan, for temporary exemption from several Federal motor vehicle safety standards. The basis of the petition was that compliance would cause substantial economic hardship.

Notice of receipt of the petition was published on June 25, 1982 (47 FR 27436) and on opportunity afforded for comments.

Electric Auto Corporation of America ("Electric Auto") is a subsidiary of Electric Auto Corporation Bahamas Limited of Freeport, Bahamas. It has produced ten pre-production prototypes of a passenger car called the "Silver Volt", intended as a luxury automobile. Electric Auto hopes to build 200 vehicles in 1982 and 1200 vehicles in 1983. The base vehicle is the Buick Regal rear wheel drive intermediate station wagon body to which substantial modifications are made. Petitioner offers the information that the Silver Volt is a successor to the Transformer I based on a Chevrolet Chevelle body, whose manufacturer Electric Fuel Propulsion Corp. was granted NHTSA Exemption No. 75–19.

Petitioner has asked for a two-year exemption from portions of eight Federal motor vehicle safety standards at the end of which it believes it will comply fully. The standards are:

1. Standard No. 103, *Defrosting and Defogging Systems.* Silver Volt is fitted with the ESPAR combustion type heater used on Volkswagon Microbus and Beetle models, which have been certified as conforming to Standard No. 103. The unit incorporates a heated water jacket type ESPAR "which has a more effective direct application of heat to the screen for defrosting and defogging using thermal transfer into the existing GM heater core."

Petitioner believes that Silver Volt meets Standard No. 103 but that if it does not, retooling costs of $50,000 will be required.

2. Standard No. 105, *Hydraulic Brake Systems.* Petitioner asks for relief from paragraph S7.3, the first (preburnish) effectiveness test of the service brake system which "have not been carried out under the required controlled conditions". But Silver Volt may comply as it is based upon a complying GM vehicle, and its GVW is within 5 percent of that of the GM-based Transformer I which met S7.3. Further, Silver Volt "has regenerative braking down to 10 m.p.h. which will assist the hydraulic braking system".

3. Standard No. 201, *Occupant Protection in Interior Impact.* The interior structures of Silver Volt are so similar to those of the GM host vehicle that the vehicle probably conforms.

4. Standard No. 204, *Steering Control Rearward Displacement.* As a result of an independent study of structural integrity, certain structural reinforcements have been made to the Silver Volt chassis, to prevent excessive chassis deformation. Petitioner has also concluded that the 15-inch extension it makes to the front body work "would considerably assist in reducing the severity of damage to the passenger compartment on impact."

5. Standard No. 212, *Windshield Mounting.* The independent study referenced above has concluded that there should be no "serious structural deformation in a crash in the windshield area which would negate the G.M. certification under FMVSS 212".

6. Standard No. 216, *Roof Crush Resistance.* The force to be applied to the roof to demonstrate crush resistance is 5,000 pounds, the same as for the Buick wagon host car. Therefore Silver Volt ought to comply. If modifications are needed, retooling costs in excess of $300,000 would be incurred.

7. Standard No. 219 *Windshield Zone Intrusion.* Petitioner places reliance on performance under this standard for reasons similar to Standard No. 212.

8. Standard No. 301, *Fuel System Integrity.* Silver Volt is equipped with a 5.8 gallon gasoline tank which supplies fuel for the combustion type heater and auxiliary power unit. The tank "is mounted in a well protected central location in the vehicle and is filled through a filler neck located above the off-side wheel well cover underneath the hood".

However, tests and modifications that may be required to show conformance to Standards Nos. 201, 204, 212, 219, and 301 could cost $1,200,000 inclusive. The company's net incomes in 1979 and 1980 were $383,000 and $395,000, respectively.

Petitioner avers that an exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act because, as an electric vehicle, it is not a contributor to air pollution, and it is an alternative form of transportation which "will reduce the national dependency on foreign oil supply."

No comments were received on the petition.

The National Highway Traffic Safety Administration has decided to grant the petition of Electric Auto Corporation. The petitioner appears to have a reasonable basis upon which it could certify compliance with the standards for which it requests exemption though it has chosen the conservative approach of petitioning for exemption until funds are sufficient for it to test to certify conformance, or to make such modifications as may be required. Petitioner's good faith is evidenced by its request for an exemption of only two years, one less than the maximum provided by statute. NHTSA accepts petitioner's estimate that testing and modifications might incur costs over three times the company's net income for recent fiscal years. Further, it wishes to encourage propulsion systems that are alternatives to the internal combustion engine.

Accordingly, it is hereby found that immediate compliance with the standards discussed herein would cause petitioner substantial economic hardship and that a temporary exemption would be in the public interest and consistent with objectives of the National Traffic and Motor Vehicle Safety Act. Electric Auto Corporation of America is hereby granted NHTSA Exemption 82–3, expiring September 1, 1984, from the following Federal motor vehicle safety standards or portions thereof: 49 CFR 571.103, Motor Vehicle Safety Standards No. 103, *Defrosting and Defogging Systems;* paragraph S7.3 of 49 CFR 571.105, Motor Vehicle Safety Standard No. 105, *Hydraulic Brake Systems;* 49 CFR 571.201, Motor Vehicle Safety Standard No. 201, *Occupant Protection in Interior Impact;* 49 CFR 571.204, Motor Vehicle Safety Standard No. 204, *Steering Control Rearward Displacement;* 49 CFR 571.212, Motor Vehicle Safety Standard No. 212, *Windshield Mounting;* 49 CFR 571.216, Motor Vehicle Safety Standard No. 216, *Roof Crush Resistance;* 49 CFR 571.219, Motor Vehicle Safety Standard No. 219, *Windshield Zone Intrusion:* and 49 CFR 571.301, Motor Vehicle Safety Standard No. 391, *Fuel System Integrity.*

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50)

Issued on October 20, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82-29386 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP82-3; Notice 2]

Toyo Rubber Industry Co., Ltd.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Toyo Rubber Industry Co., Ltd., of Osaka, Japan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.109,

Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on February 4, 1982 (47 FR 5397), and an opportunity afforded for comment.

Paragraph S4.3.5 of Standard No. 109 requires each tire with a maximum inflation pressure of 60 psi to have permanently molded onto one or both sidewalls, in letters and numerals not less than ½ inch high (12.7 mm), the words "inflate to 60 psi". Toyo Rubber failed to comply with this requirement on about 193,000 tires. The requisite information is present in characters only 7 mm high. Petitioner argued that the information it has provided is legible, and that consumers will not be misled. It had received no reports or complaints on the noncompliance, had corrected the mistake in present production, and believed that the compliance is inconsequential as the tire otherwise complies with Standard No. 109.

No comments were received on the petition.

In establishing paragraph S4.3.5, NHTSA required that the words "inflate to 60 psi" be added because these tires unlike most with which consumers are familiar, are not designed for use at inflation pressures lower than the maximum inflation pressures. Although letters 12.7 mm would be easier to read, characters 7 mm should be legible to a person inflating the tire.

Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on October 21, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR. Doc 82-29341 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-59-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 209
Thursday, October 28, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY CREDIT CORPORATION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 46054, October 14, 1982.

PREVIOUS ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., October 20, 1982.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board Meeting on August 12, 1982.
2. Memorandum re: Status Report on Emergency Grain Storage.
3. Memorandum re: Extended Storage—Grain.
4. Memorandum re: Update of Commodity Credit Corporation (CCC)-Owned Inventory.
5. Memorandum re: Alcohol Demonstration Project Report.
6. Docket XCP-98a re: Ratification of Milk Price Support Program, 1982-83 through 1984-85 Marketing Years.
7. Ratification re: Repurchase Offer for CCC Guarantees on Export Credit Sales to Sudan.
8. Ratification re: Repurchase Offer for CCC Guarantees on Export Credit Sales to Romania.
9. Memorandum re: Section 416—Foreign Donations.
10. Memorandum re: Operating Procedure Relative to Milk Marketings Deduction.

Closed portion of meeting:

11. Minutes of CCC Board Meeting on June 25, 1982.
12. Docket CZ-266 (Resolution No. 20) re: Commodities Available for Pub. L. 480 During Fiscal Year 1983.

SUPPLEMENTARY INFORMATION: The above agenda was published by Departmental Press Release No. 1231-82 on October 18, 1982. The General Counsel certified a portion of this meeting could be closed to the public. All members of the Board present as follows voted to close the portion of the meeting:

1. John R. Block, Chairman, Secretary of Agriculture.
2. Richard E. Lyng, Member.
3. Seeley G. Lodwick, Member.
4. William G. Lesher, Member.
5. Mary C. Jarratt, Member.
6. Everett G. Rank, Member.

CONTACT PERSON FOR MORE INFORMATION: Edward D. Hews, Secretary, Commodity Credit Corporation, Post Office Box 2415, Room 3090—South Building, U.S. Department of Agriculture, Washington, DC 20013; telephone (202) 447-7583.

[S-1552-82 Filed 10-25-82; 4:23 pm]

BILLING CODE 3410-05-M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, November 2, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, November 4, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:
Setting of dates for future meetings
Correction and approval of minutes
Draft advance notice of proposed rulemaking—Party Committee expenditure limitations (11 CFR 110.7)
Proposed revision of 11 CFR 114.3 and 114.4
Commission budget process, management plan, and the Commission's Budget Task Force
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-1554-82 Filed 10-26-82; 2:57 pm]

BILLING CODE 6715-01-M

3

FEDERAL HOME LOAN BANK BOARD

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 46961, Thursday, October 21, 1982.

PLACE: Board Room, sixth floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled Wednesday, October 27, 1982:

Amendments to Part 509a concerning Removals, Suspensions, and Prohibitions Where a Crime is Charged or Proven

[S-1556-82 Filed 10-26-82; 3:44 pm]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., November 3, 1982.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 5680-34: Modification of the Pacific-Straits Conference to prescribe independent action procedures applicable to interior-point traffic.
2. Agreements Nos. 10450 and 10451: Forty-eight hour rate agreements in the Great Lakes-India trades.
3. Agreement No. 8220-10: Modification of the North Atlantic/Israel Freight Conference Agreement to provide for the right of independent action with respect to Israeli Ministry of Defense cargoes.
4. Agreement No. 10126-5: Modification of the Florida/Curacao, Aruba and Bonaire Rate Agreement to permit the agreement Secretary to act on behalf of the members and to permit the agreement to enter into agreements with carriers of other agreements.
5. Agreement No. T-4052: Preferential berth assignment between the City of Richmond and Johnson Line AB, the East Asistic Company, Ltd., and Blue Star Line, Ltd., at the port of Richmond, California.

Portion closed to the public:

1. Docket No. 82–30: Contract Marine Carriers, Inc.—Appeal of agreements Nos. 10045 and 10105 from denial of intervention.
2. Docket No. 81–28: Transportacion Maritima Mexicana, S.A. v. Board of Commissioners of the Port of New Orleans—Further consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–1555–82 Filed 10–26–82; 3:44 pm]

BILLING CODE 6730–01–M

5

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 1:30 p.m., Thursday, November 4, 1982.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

STATUS: Closed Special Conference:

A majority of the Commission voted to close this conference because it is likely to relate solely to the internal personnel rules and practices of the agency, within the meaning of 5 U.S.C. 552b(c)(2) and 49 CFR 1012.7(d)(2).

In addition to the Commission, Special Counsel Schack will be in attendance.

MATTER TO BE CONSIDERED: Personnel Matter—Discussion With Commission Employee of Involvement in Agency Proceedings.

CONTRACT PERSON FOR MORE INFORMATION: Robert R. Dahlgren, Director, Office of Public Affairs, Telephone: (202) 275–7252.

[S–1546–82 Filed 10–25–82; 11:16 am]

BILLING CODE 7035–01–M

6

SECURITIES AND EXCHANGE COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (To be published.)

STATUS: Closed meeting.

PLACE: Room 6059, 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, October 14, 1982.

CHANGES IN THE MEETING: The following additional item was considered at a closed meeting scheduled on Wednesday, October 20, 1982, at 10:00 a.m.

Litigation matter.

Commissioners Evans, Longstreth and Treadway determined by vote that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Richard Starr at (202) 272–2467.

October 25, 1982.

[S–1553–82 Filed 10–26–82; 11:11 am]

BILLING CODE 8010–01–M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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List of Public Laws

Last Listing October 27, 1982

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 (phone 202–275–3030).

H.R. 4717 / Pub. L. 97–362 Miscellaneous Revenue Act of 1982. (October 25, 1982; 96 Stat. 1726) Price: $2.00.

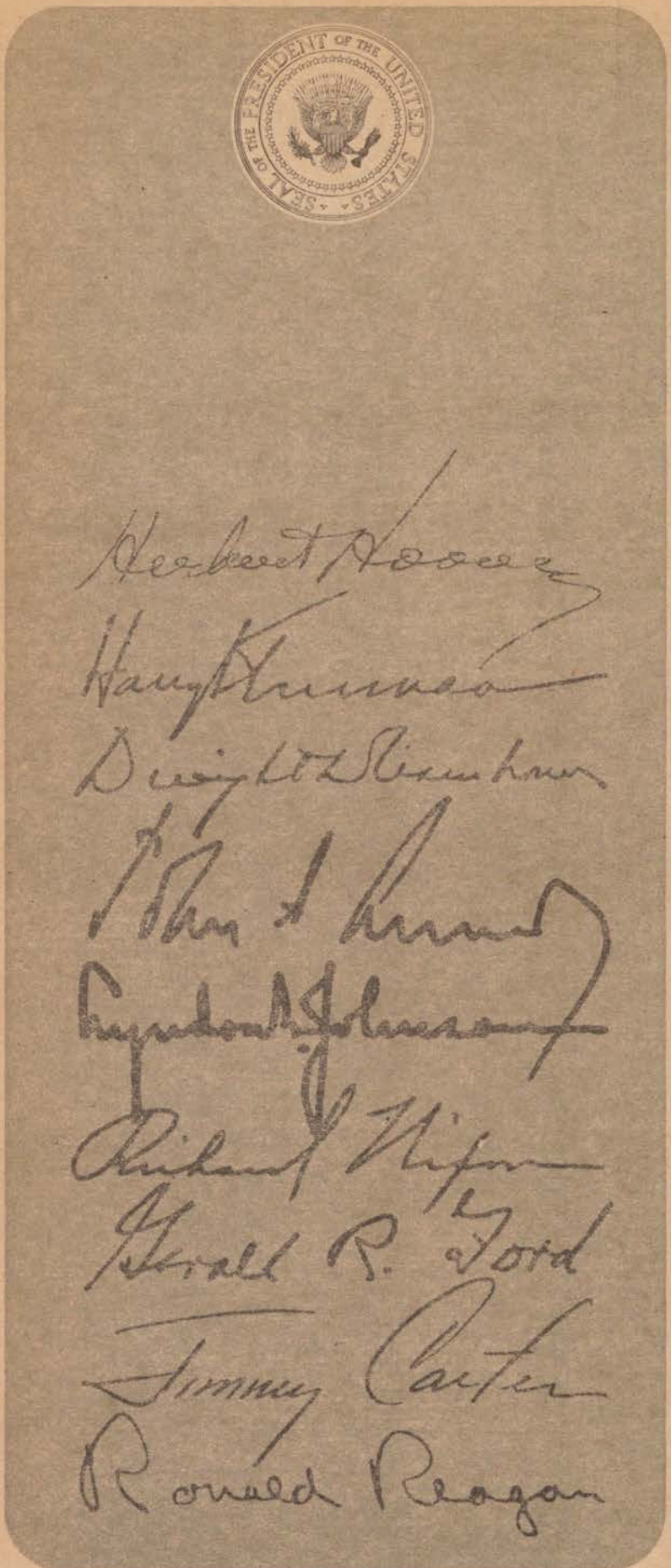
H.R. 5879 / Pub. L. 97–363 Refugee Assistance Amendments of 1982. (October 25, 1982; 96 Stat. 1734) Price: $1.75.

H.R. 6170 / Pub. L. 97–364 To amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs and to require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals. (October 25, 1982; 96 Stat. 1738) Price: $2.25.

H.R. 4613 / Pub. L. 97–365 Debt Collection Act of 1982. (October 25, 1982; 96 Stat. 1749) Price: $2.25.

H.R. 4441 / Pub. L. 97–366 To amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes. (October 25, 1982; 96 Stat. 1759) Price: $1.75.

H.R. 7292 / Pub. L. 97–367 White House Conference on Productivity Act. (October 25, 1982; 96 Stat. 1761) Price: $1.75.



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Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: Executive Order 12291 (Federal Regulation) and the Regulatory Flexibility Act (5 U.S.C. 605) require that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Office of Management and Budget (OMB) Bulletin 82–16 (July 22, 1982) requires that each agency agenda include, at a minimum, certain specific types of information for each entry, and that all agendas be published together as a **Unified Agenda of Federal Regulations.** The following Parts in this issue of the **Federal Register** are the agency agendas, which together comprise the first **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory projects, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations,** contact:

Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503, (202) 395–6993.

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About the Unified Agenda

This is the first edition of the **Unified Agenda of Federal Regulations,** a project of the Regulatory Information Service Center undertaken for the Office of Information and Regulatory Affairs, Office of Management and Budget. The Regulatory Information Service Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public. The Office of Information and Regulatory Affairs is responsible for overseeing the Federal government's regulatory and information-management activities and implementing President Reagan's Executive Order 12291.

In the past, two separate documents provided information on Federal regulatory activity. The semiannual **Calendar of Federal Regulations** provided detailed descriptions of the most important Federal regulations under development. The semiannual agendas provided brief descriptions of most regulations under development at each agency. Individual agency agendas were published at different times during the year, and contained different types and amounts of information about agency regulatory activity. The Unified Agenda combines the uniform and government-wide features of the Calendar with the broad coverage of the agendas.

This edition of the Unified Agenda includes 47 Federal departments, agencies, and commissions. (Agencies of the United States Congress are not included.) The Unified Agenda contains the first uniform reporting of data on regulatory activities under development throughout the Federal government. These data elements—regulation title, agency contact, small business effects, CFR citation, legal authority, abstract, and timetable—should be readily identifiable in each agency's agenda. Agencies also included any additional information they considered important.

Future editions of the **Unified Agenda of Federal Regulations** will be published in April and October of each year. We welcome comments on this first edition and suggestions for improving future ones.

Dated: October 12, 1982.

Mark G. Schoenberg,

Executive Director.

How To Use the Unified Agenda

Each agency agenda appears as a separate Part in this edition of the **Federal Register.** The Parts are organized alphabetically in three groups: first, by cabinet departments; second, by other executive agencies; and third, by independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies, in alphabetical order.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency was asked to list its rules in three groups:

1. Current and projected rulemakings—those regulations the

agency currently is or soon will be developing;

2. Reviews of existing regulations—those existing regulations the agency is reviewing to determine whether to propose modifications through rulemaking; and

3. Completed actions—those actions or reviews the agency completed or withdrew since it published its last agenda.

Within each of the three groups, each agency was asked to list priority actions before all other actions. Priority actions include:

- Major rules under Executive Order (EO) 12291;
- Rules designated for priority review by the Presidential Task Force on Regulatory Relief; and
- Rules designated for priority review or development by the agency.

Under EO 12291, a major rule is any regulation that is likely to result in:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under EO 12291 (such as military regulations and adjudicatory decisions), routine regulations, and regulations related to internal agency management.

About the Agenda Entries

OMB Bulletin 82-16 states that entries describing regulations under development and review should contain, at a minimum, the following information:

- Title of the Regulation;
- Agency Contact—the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation;
- Effects on Small Businesses and Other Entities—an indication of whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601 (6));
- CFR Citation—the section(s) of the Code of Federal Regulations that authorize(s) or will be affected by the action;
- Legal Authority—the section(s) of the United States Code or Public Law or the Executive Order that authorize(s) the regulatory action (agencies may use common name references to laws in addition to USC or PL references);
- Abstract—a description of the problem the regulation will address, the alternatives that the agency is considering, and the potential costs and benefits of the action;
- Timetable—the dates and citations (if available) for all past and at least the next future stage of rulemaking.

Entries that describe actions that agencies have completed or withdrawn contain, at a minimum, the following information:

- Title of the regulation;
- Agency contact name and phone number;
- **Federal Register** citation of the final action, when available; and
- Reason for completion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear. The information in this edition is accurate as of September 24, 1982, in the judgment of the individual agencies.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule, describing the general area that may be subject to regulation and asking for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a formal regulatory proposal.

CFR—The Code of Federal Regulations is a codification of the general and permanent rules published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area of Federal regulatory law. The Office of the Federal Register revises the CFR annually.

EO—An Executive Order is a directive from the President to executive agencies, issued under Constitutional or statutory authority. Executive Orders are published in the **Federal Register** and in Title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that announces all proposed and final Federal regulations. It also contains notices of public meetings and other events Federal agencies may schedule.

FY—Fiscal year is a budgetary term. The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- A reference to the legal authority under which the rule is proposed; and
- Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL—A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the two-year life of each Congress; for example, Pub. L. 97-17 would be the seventeenth law of the 97th Congress.

RIA—A Regulatory Impact Analysis is required by EO 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of Section 2 of EO 12291, namely that regulatory actions:

- Be based on adequate information concerning the need for and consequences of the action;
- Not be undertaken unless the potential benefits outweigh the potential costs to society;
- Maximize net benefits to society;
- Entail the least net cost to society of the alternatives considered; and

- Take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238.

Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

[FR Doc. 82–28716 Filed 10–27–82; 8:45 am]
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Thursday
October 28, 1982

Part III

Department of Agriculture

Office of the Secretary

Semi-Annual Regulatory Agenda: Major Regulations Pending and Planned for October 1982 Through April 1983

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR, Subtitle A, Chs. I–VII, IX–XII, XIV–XVIII, XXI, XXIV–XXIX

9 CFR, Chs. I–IV

36 CFR, Ch. II

41 CFR, Ch. 4

Semi-Annual Regulatory Agenda: Major Regulations Pending and Planned for October 1982 Through April 1983

AGENCY: Department of Agriculture, Office of the Secretary.

ACTION: Semi-Annual Regulatory Agenda.

SUMMARY: This agenda provides summary descriptions of major regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulation. The agenda also describes regulations affecting small entities as required by Section 602 of the Regulatory Flexibility Act, Pub. L. 96–354.

FOR FURTHER INFORMATION CONTACT: For further information on any specific decision shown in this agenda, please contact the person listed for that decision.

A few copies of the Agenda are available. Requests for copies should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 147–E, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 382–1270.

SUPPLEMENTARY INFORMATION:

Agenda Organization

The Agenda includes three sections:

- A list of major actions formerly reported which have been completed, redesignated as "nonmajor," or withdrawn from consideration since publication of the last Regulatory Agenda;
- A list of major regulatory actions planned or under development between October of 1982 and April of 1983. Actions are organized under headings identifying the USDA agency responsible; and
- A list of existing regulations scheduled for review for which review is ongoing or will be initiated between now and April 1983.

Be sure to review each of these sections to identify decisions on which you may want to comment. If additional information is desired on an entry, contact the person identified in that entry.

How to Identify New Items on the Agenda

The Regulatory Agenda number shows the month and year that the item was identified as major and placed on the Regulatory Agenda. The first two digits after the agency abbreviation identify the month, and the third digit provides the year. Thus, ASCS 042–18 indicates that it was identified as major in April (i.e., "04") of 1982 (i.e., "2"). Any entry with a number indicating a date later than April 1982 is new on the Regulatory Agenda.

Background of Regulatory Agenda

This Administration is committed to reducing the burden of Federal regulation on the American economy. To this end, procedures have been established to concentrate greater effort on analyzing major regulatory actions to ensure that Government action is needed, that it is clearly within delegated legal authority, and that the effects of taking the action are as well understood as possible.

Also, USDA is focusing added attention on regulatory actions which affect small entities. "Small entities" include small businesses, small not-for-profit organizations, and small governmental jurisdictions. Any time an agency cannot certify that a rule (as defined in the Regulatory Flexibility Act) will not have a significant economic impact on a substantial number of small entities, a Regulatory Flexibility Analysis (RFA) must be completed. The RFA will identify and analyze less burdensome alternative regulatory strategies consistent with the law. Entries in the Agenda for which a RFA will be carried out are identified by the symbol "(RFA)" found at the end of the action's "Description." This symbol is shown both in the list of current major actions and in the "List of Regulations Scheduled for Review."

The dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown. The "pre-notice" date, when given, is an indication the agency intends to seek public input prior to the "notice of proposed rulemaking."

In this Agenda, we have attempted to list all major actions and regulatory reviews pending at the time of publication, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing.

Dated: September 24, 1982.

Richard E. Lyng,

Acting Secretary.

Summary of Actions Completed, Withdrawn, or Redesignated Nonmajor Since the Last Agenda

Please note that this is an information list only, and is not a vehicle for formal announcement of final decisions or withdrawal of proposals from consideration.

AMS 081–91; Standards for Grades of Carcass Beef and Standards for Grades of Slaughter Cattle; Withdrawn; 9/22/82; 47 FR 41934; John Ford, (202) 447–7813; USDA, Room 242–E Administration Bldg., Washington, D.C. 20250

APHIS 081–36; Swine Health Protection Program; Completed. This entry, a nonmajor rule, appeared pursuant to the Regulatory Flexibility Act in the April 1982 Agenda. The rule was analyzed for possible significant impact on a substantial number of small entities. An Initial Regulatory Impact Analysis was prepared and a determination made by the Administrator that the regulation will not have such an impact. Robert D. Good, (301) 436–8487, USDA, APHIS, Room 841 Federal Building, Hyattsville, MD 20782

ASCS 042–28; Price Support Level for Milk, 1982–83 Marketing Year (beginning October 1, 1982); Completed; 9/24/82, 47 FR 42128; Charles N. Shaw, (202) 447–7601, USDA, ASCA, Room 3752–S, Washington, D.C. 20250

FNS 081–31; Food Stamp Program: Household Composition, Income Standards, Initial Month Benefits, Adjustments, Deductions, and Outreach; Completed; 9/00/ 82, 47 FR 0000; Thomas O'Connor, (202) 756–3429, USDA, FNS, Room 708, Park Center Drive, Alexandria, VA 22302

FNS 081–36; National School Lunch, School Breakfast, and Special Milk Programs: Documentation of Income and Verification of the Information on the Free and Reduced Price Applications; Redesignated nonmajor; Stanley C. Garnett, (703) 756–3620, USDA, FNS, Room 509, Park Office Center, Alexandria, VA 22302

FNS 101–53; Puerto Rico Nutritional Assistance Block Grant; Completed; 7/27/82, 47 FR 32409; Thomas O'Connor, (703) 756–3429, USDA, FNS, Room 708, Park Office Center, Alexandria, VA 22302

FNS 111–58; Proposed Revision in Policies Governing the Use of Vegetable Protein Products in Child Nutrition Programs; Redesignated nonmajor; Cynthia Ford, (703) 756–3556, USDA, FNS, Room 609, Park Office Center, Alexandria, VA 22302

FNS 052–26; Private Sector Inventory (PSI) System for Processing USDA Donated Foods; Redesignated nonmajor; Kay Tibbits or Grace Sheffey, (703) 756–3660, USDA, FNS, Alexandria, VA 22302

FS 041–1; Review of Regulations—Regulations for National Forest System Land and Resource Management Planning; Completed; 9/30/82, 47 FR 43026; Raymond M. Housley, (202) 447–3523, USDA, FS, Room 3018–S, Washington, D.C. 20250

FSIS 041–2; Mechanically Processed (Species) Product; Completed; 6/29/82 47 FR 28214;

M. A. Nelson, (202) 447–2709, USDA, FSIS, Room 350–E, Administration Building, Washington, D.C. 20250

Animal and Plant Health Inspection Service

APHIS 092–47

REVIEW OF THE REGULATION COVERING THE PROHIBITED AND RESTRICTED IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS FROM COUNTRIES WHERE CERTAIN ANIMAL DISEASES AND PESTS EXIST

DESCRIPTION: The regulation covering the importation of animals and animal products from countries with Rinderpest, Foot-and-Mouth Disease, Fowl Plague, Newcastle Disease, African Swine Fever, and/or Hog Cholera, is scheduled to be reviewed as part of the five year cyclical review of regulations required by E.O. 12291. Because this rule affects international trade, the possible economic impact of any changes in the regulation could be significant. While at this point in the review no significant changes are planned, an initial regulatory impact analysis is underway to gauge the possible economic impact on the economy as a whole and on small businesses in particular of any changes that may be considered. The review itself will evaluate the appropriateness of the present rule; analyze the differences in impact and effectiveness of possible alternative regulatory strategies; and, if necessary, make recommendations for improvements. Any changes considered would be put forward for public comment as proposed rulemaking notices.

AUTHORITY: 19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 9 CFR 94.

PROJECTED SCHEDULE

a. Date of Pre-Notice: None.
b. Date of Proposal: 4/83.
c. Final Decision: 7/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dr. David E. Herrick, (301) 436–8530, USDA, APHIS, Room 821, Federal Building, Hyattsville, Maryland 20782

Agricultural Stabilization and Conservation Service

ASCS 022–10

1982 SUGAR BEET AND SUGAR CANE LOAN PROGRAM

DESCRIPTION: Support the price of domestically produced sugar beets and sugarcane through nonrecourse loans at such levels as the Secretary determines to be appropriate but not less than 17 cents per pound for raw cane sugar for the 1982 crop; sugar beets are to be supported at a rate determined by the Secretary to be fair and reasonable in relation to the support level for sugarcane.

AUTHORITY: Agricultural Act of 1949, Section 201, 7 U.S.C. 1446.

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.
b. Date of Proposal: 7/30/82 (47 FR 33238).
c. Final Decision: 10/1/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Thomas Fink, (202) 382–9879, USDA, ASCS, Room 3636–S, Washington, D.C. 20250

ASCS 042–16

DETERMINATION OF LOAN AND PURCHASE RATE, ESTABLISHED "TARGET" PRICES, ACREAGE REEDUCTION AND/OR PAID DIVERSION PROGRAM AND FARMER-OWNED RESERVE PROGRAM PROVISIONS FOR THE 1983 CROP OF FEED GRAINS—AND LOAN AND PURCHASE PROGRAM FOR SOYBEANS

DESCRIPTION: To provide adequate feed grain and soybean supplies for domestic and foreign utilization, support farm income, combat inflation, minimize Government intervention, hold down Federal costs, and conserve natural resources.

AUTHORITY: Agricultural Act of 1949, Section 105B, 7 U.S.C. 1444d; Agricultural Act of 1949, Section 201, 7 U.S.C. 1446.

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.
b. Date of Proposal: 7/27/82 (47 FR 32461).
c. Final Decision: 1/15/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Orville I. Overboe (202) 447–4417, USDA, ASCS, Room 3746–S, Washington, D.C. 20250.

ASCS 042–17

DETERMINATION OF LOAN AND PURCHASE RATE; ESTABLISHED "TARGET" PRICES, ACREAGE REDUCTION AND/OR PAID DIVERSION PROGRAM AND FARMER-OWNED RESERVE PROGRAM PROVISIONS FOR THE 1983 CROP OF WHEAT

DESCRIPTION: To provide adequate wheat supplies for domestic and foreign utilization, support farm income, combat inflation, minimize Government intervention, hold down Federal costs, and conserve natural resources.

AUTHORITY: Agricultural Act of 1949, Section 107B, 7 U.S.C. 1445b–1.

PROJECTED SCHEDULE:

a. Date of Pre-notice: None.
b. Date of Proposal: 4/30/82 (47 FR 22573).
c. Final Decision: 1/15/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Bruce R. Weber; (202) 447–4146, USDA, ASCS, Room 3738–S, Washington, D.C. 20250.

ASCS 042–18

DETERMINATION OF 1983-CROP RICE PROGRAM TO INCLUDE ESTABLISHMENT OF LOAN AND PURCHASE RATE, ESTABLISHED "TARGET" PRICE, AND ACREAGE REDUCTION AND/OR PAID DIVERSION PROGRAMS, IF ANY

DESCRIPTION: To achieve the optimal balance between the multiple objectives of providing adequate rice supplies for domestic and foreign utilization, while maintaining adequate carryover stocks, supporting farm income, combating inflation, holding down Treasury costs and borrowing, and conserving natural resources.

AUTHORITY: Agricultural Act of 1949, Section 101(i), 7 U.S.C. 1441.

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.
b. Date of Proposal: 9/30/82.
c. Final Decision: 12/1/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: George H. Schaefer, (202) 447–4634, USDA, ASCS, Room 3742–S, Washington, D.C. 20250.

ASCS 042–21

DETERMINATION OF 1983 UPLAND COTTON LOAN RATE, TARGET PRICE, NATIONAL PROGRAM ACREAGE, ACREAGE REDUCTION PROGRAM AND/OR DIVERSION PROGRAM, ACREAGE BASES, AND ESTIMATED DEFICIENCY RATE

DESCRIPTION: To maintain adequate but not excessive supplies of upland cotton for domestic and export use while providing price and income protection for producers and keeping Federal outlays to a minimum. To determine whether a paid diversion program should be offered. To determine ELS cotton loan rate based on upland cotton loan rate, and establish loan rates for seed cotton.

AUTHORITY: Agricultural Act of 1949, Section 103(g)(1), 7 U.S.C. 1444.

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.
b. Date of Proposal: 7/82 (47 FR 31025).
c. Final Decision: 11/1/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Charles V. Cunningham, (202) 447–7954, USDA, ASCS, Room 3741–S, Washington, D.C. 20250.

ASCS 042-25

CCC GRAIN PRICE SUPPORT REGULATIONS GOVERNING THE GRAIN RESERVE PROGRAM FOR 1982 AND SUBSEQUENT CROPS AND ALTERNATIVE PROGRAM FOR 1981 AND PRIOR CROPS

DESCRIPTION: To implement regulations which govern the farmer-owned Grain Reserve Program which would: (1) implement the new reserve program for 1982-crop wheat and feed grains and subsequent crops, (2) provide for trigger-release levels for wheat and feed grains, (3) establish a minimum level at which the Secretary may limit the quantity of wheat or feed grains that may enter the reserve, and (4) incorporate the new rotation provisions which permit the removal of farm-stored corn and sorghum reserve grain going out of condition, provided replacement stocks are in place within 15 days.

AUTHORITY: Agricultural Act of 1949, Section 110, 7 U.S.C. 1445e.

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.

b. Date of Interim Rule: 8/16/82 (47 FR 35493).

c. Final Decision: 2/1/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Steve Gill, (202) 382-9888, USDA, ASCS, Room 3623-S, Washington, D.C. 20250.

Farmers Home Administration

FmHA 080-47

MOBILE HOME LOAN PROCEDURE

DESCRIPTION: Invite public input for draft regulations for mobile home loans to implement Section 527 of Title V of the Housing Act of 1949, as amended.

AUTHORITY: Section 510(j) of the Housing Act of 1949, 42 U.S.C. 1480(j); Section 527 of the Housing Act of 1949, 42 U.S.C. 1490g

PROJECTED SCHEDULE:

a. Date of pre-notice: 10/21/80 (45 FR 69469).

b. Date of Proposal: 6/83.

c. Final Decision: 12/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James W. Craun, (202) 382-1489, USDA, FmHA, Room 5351-S, Washington, D.C. 20250.

FmHA 041-12

RESTRICTING LOAN GUARANTEES WITH TAX-FREE OBLIGATIONS

DESCRIPTION: To amend the "General" Regulations (7 CFR Part 1980, Subpart A, and Part 1990, Subpart A) dealing with all FmHA guarantee programs to add a new section to prohibit guaranteeing of loans when the funds are obtained, either directly or indirectly, from tax-exempt obligations.

AUTHORITY: The Consolidated Farm and Rural Development Act, Section 339, 7 U.S.C. 1989; the Emergency Agricultural Credit Adjustment Act of 1978, Section 209(c), 7 U.S.C. note preceding 1961; the Biomass Energy and Alcohol Fuels Act of 1980, Section 212(e)(2), 42 U.S.C. 8812(e)(2); Housing Act of 1949, Section 517, 42 U.S.C. 1487.

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.

b. Date of Proposal: 2/19/82 (47 FR 7437).

c. Final Decision: 10/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Wilton L. Ward, (202) 475-4005, USDA, FmHA, Room 5314S, Washington, D.C. 20250.

Food and Nutrition Service

FNS 101-54

FOOD STAMP PROGRAM—MONTHLY REPORTING AND RETROSPECTIVE BUDGETING (MRRB)

DESCRIPTION: This rule implements Sections 107 and 108 of the Omnibus Reconciliation Act of 1982 (Public Law 97-35). The rule will impose a national accounting system on almost all households and will base benefits on circumstances from a previous month. The final rule will include provisions of the 1982 Food Stamp Amendments.

AUTHORITY: 1981 Omnibus Reconciliation Act, Public Law 97-35, 95 Stat. 357

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.

b. Date of Interim Rule: 5/82 (47 FR 22684).

c. Final Decision: 2/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Thomas O'Connor, (703) 756-3429, USDA, FNS, Room 708, Park Office Center, Alexandria, VA 22302.

Food Safety and Inspection Service

FSIS 092-3

RECORDS, REGISTRATION, AND REPORTS

DESCRIPTION: The Agency will review Parts 320 and 381 Subpart 0, of Title 9 of the Code of Federal Regulations relating to records and reports required to be maintained by official meat and poultry establishments. The purpose of the review will be to determine whether present reporting and recordkeeping requirements placed upon the industry can be reduced or effected in a more efficient, less burdensome manner.

AUTHORITY: 21 U.S.C. 451 *et seq.*, 601 *et seq.*, 9 CFR 320 and 381; 5 U.S.C. 601 *et seq.*, 44 U.S.C. 3501 *et seq.*, Executive Order 12291.

PROJECTED SCHEDULE:

a. Date of Initiation: 10/82.

b. Date of Proposal: None.

c. Final Decision: 9/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: John W. McCutcheon, (202) 447-6525, USDA, FSIS, Room 327-E, Washington, D.C. 20250.

Office of Finance and Management

OFM 102-1

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS: REGULATIONS GOVERNING CONSULTATION AND REVIEW BY STATE AND LOCAL GOVERNMENTS OF PROPOSED FEDERAL FINANCIAL ASSISTANCE AND DIRECT FEDERAL DEVELOPMENT ACTIVITIES

DESCRIPTION: Regulations will be proposed governing formulation, evaluation, and review by state and local government officials of proposed Federal financial assistance and direct Federal development activities. These regulations replace the procedures required by OMB Circular A-95 and will foster effective intergovernmental partnership and strengthen Federalism by accommodating state and local elected officials' concerns through the state designated process.

AUTHORITY: Executive Order 12372 of July 14, 1982

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.

b. Date of Proposal: 1/83.

c. Final Decision: 4/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Peter Ben Ezra, (202) 382-8998, USDA, OFM, Room 3200 Auditors Building, Washington, D.C. 20250.

List of Regulations Scheduled for Review

This list provides an overview of the USDA regulations undergoing review between October 1982 and April 1983. Any action deemed to have a significant economic impact on a substantial number of small entities is identified with the letters "RFA" (Regulatory Flexibility Act) following the description. Regulations are reviewed and announced in the Federal Register (FR) using, basically, the same procedural rules which apply to new regulations.

If you wish to comment on a particular regulation under review, get in touch with the "contact" identified for the item of interest to you. Please note that this particular list is not a request for comments; it serves as an announcement only.

Parts affected	Subject	Description	Contact
Agricultural Marketing Service—Scheduled, Nonmajor			
Review of the following is withdrawn and will be scheduled in the April 1983 Agenda			
7 CFR 53-B	Feeder Pig Grades and Standards.	Describes the specifications and application of standards for grades of feeder pigs.	Russell Knister, USDA, AMS, Room 2631-S, Washington, D.C. 20250, (202) 447-5679.
Review of the following is withdrawn and will be scheduled at a later date			
7 CFR 53-B, Parts 120-124	Vealers and Slaughter Calves Grades and Standards.	This regulation covers the classes of vealers and slaughter calves and application and specifications of standards for grades of slaughter vealers and calves.	Russell Knister, USDA, AMS, Room 2631-S, Washington, D.C. 20250, (202) 447-5679.
Scheduled for Review			
7 CFR 27	Cotton Classification Under Futures Legislation.	This regulations includes procedures for classification, inspection sampling, and micronaire determinations in accordance with the United States Cotton Futures Act. Procedures for issuance of certificates, designation of spot markets, and issuance of quotations or value of grade are included.	Lloyd R. Frazier, USDA, AMS, Room 304, Annex, Washington, D.C. 20250, (202) 447-2147.
7 CFR 29-A, 29.1 (excludes parts 29.2-3)	Tobacco Inspection Policy Statement.	Review of the policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets. (Definitions).	J. T. Bunn, USDA, AMS, Room 502, Annex, Washington, D.C. 20250, (202) 447-7235.
7 CFR 29-B, 29.12-.133 (excludes 29.75a, 123, 125, 127, and 129).	Tobacco Inspection Regulations.	Review the procedures for permissive and mandatory inspection, appeals, licensing of tobacco inspectors, and samplers and weighers.	J. T. Bunn, USDA, AMS, Room 502, Annex, Washington, D.C. 20250, (202) 447-7235.
7 CFR 29-C, all but 29.2251-.2481 and 29.3501-.3681.	Tobacco Inspection Standards.	Define official standard grades for all tobacco except Kentucky and Tennessee fire-cured (U.S. types 22 and 23) and dark air-cured tobacco (U.S. types 35, 36, and 37).	J. T. Bunn, USDA, AMS, Room 502, Annex, Washington, D.C. 20250, (202) 447-7235.
7 CFR 32	Mohair Standards	Defines standards and procedures for determining mohair top. Also includes methods for obtaining representative samples of official grade standards for grease mohair.	Russell Knister, USDA, AMS, Room 2631-S, Washington, D.C. 20250, (202) 447-5679.
7 CFR 53-B, Parts 130-135	Slaughter Lambs, Yearlings, and Sheep Grades and Standards.	Regulations to make the slaughter lamb standards conform to the revised lamb carcass standards as published in the FEDERAL REGISTER September 13, 1982.	Russell Knister, USDA, AMS, Room 2631-S, Washington, D.C. 20250, (202) 447-5679.
7 CFR 1205	Cotton Research and Promotion.	Procedures including rules of practice necessary to implement the Cotton Research and Promotion Act. Includes procedures for the cotton research and promotion order and the Cotton Board rules and regulations.	Naomi Hacker, USDA, AMS, Room 309, Annex, Washington, D.C. 20250, (202) 447-2259.
7 CFR 1250.500-1250.552	Egg Research and Promotion—Rules and Regulations.	This regulation implements the terms and provisions of the Egg Research and Promotion Order. It prescribes procedures for collection and remittance of assessments, methods to be used for obtaining producer refunds, and content and submission of producer and handler reports and records.	Janice L. Lockard, USDA, AMS, Room 3955-S, Washington, D.C. 20250, (202) 382-8132.
Animal and Plant Health Inspection Service—Scheduled, Major			
9 CFR 94	Rinderpest, Foot-and-Mouth Disease, Fowl Pest (Fowl Plague), Newcastle Disease (Avian Pneumoencephalitis), African Swine Fever, and Hog Cholera: Prohibited and Restricted Importations.	This regulation designates countries where rinderpest or foot-and-mouth disease of livestock exist and either prohibits or restricts the importation of animals, animal products, and materials from such countries. (RFA).	D. E. Herrick, USDA, APHIS-VS Room 821, Federal Bldg., Hyattsville, MD 20782, (301) 436-8530.
Animal and Plant Health Inspection Service—Scheduled, Nonmajor			
7 CFR 301.38	Black Stem Rust	This regulation limits the interstate movement fo certain plants susceptible to black stem rust, a dangerous plant disease of small grains.	T. Lanier, USDA, APHIS, Room 643, Federal Building, Hyattsville, MD 20782, (301) 436-8247.
7 CFR 319.24	Corn Diseases	Regulates the importation from several Southeast Asian and Pacific countries of Indian corn and closely related plants subject to certain injurious diseases.	T. Lanier, USDA, APHIS, Room 643, Federal Building, Hyattsville, MD 20782, (301) 436-8247.
7 CFR 360	Noxious Weeds	Designates certain plants as "noxious weeds" pursuant to the Federal Noxious Weed Act of 1974. Outlines permit procedures for movement of noxious weeds.	T. Lanier, USDA, APHIS, Room 643, Federal Building, Hyattsville, MD 20782, (301) 436-8247.
9 CFR 53	Foot-and-Mouth Disease, Pleuropneumonia, Rinderpest and Certain Other Communicable Diseases of Livestock.	Regulation provides for the determination of the existence of exotic or foreign animal and poultry diseases and for agreements to cooperate with States; for payments to owners, at specified rates, for animals and materials destroyed because of specific exotic diseases; procedures and requirements under which payments to owners for animals or materials destroyed may be made; for disinfection or destruction of materials; and disinfection of premises and conveyance.	K. A. Hand, USDA, APHIS-VS, Room 743, Federal Bldg., Hyattsville, MD 20782, (301) 436-8065.
9 CFR 56	Swine Destroyed Because of Hog Cholera.	Regulation provides for cooperation with States in eradicating hog cholera, a contagious, infectious and communicable disease of swine; for payment to owners, at specified rates, for swine destroyed; and procedures and requirements under which such payment may be made.	L. Schnurrenberger, USDA, APHIS-VS, Room 841, Federal Bldg., Hyattsville, MD 20782, (301) 436-8438.

Parts affected	Subject	Description	Contact
9 CFR 76	Hog Cholera and Other Communicable Swine Diseases.	Regulation provides for cooperation with States in eradicating hog cholera and other communicable diseases of swine; for quarantine of affected areas; for requirements for interstate movement of swine and swine products from quarantined areas; for approval of livestock markets; and for cleaning and disinfection of means of conveyance, markets and facilities.	L. Schnurrenberger, USDA, APHIS-VS, Room 841, Federal Bldg., Hyattsville, MD 20782, (301) 436-8438.
9 CFR 105	Suspension of Biologics Licenses or Permits.	Conditions and procedures are set forth concerning the suspension of U.S. Veterinary Biological and U.S. Veterinary Biologics Establishment Licenses.	R. J. Price, USDA, APHIS-VS, Room 827, Federal Bldg., Hyattsville, MD 20782, (301) 436-8245.
9 CFR 115	Inspections of Establishments and Biological Products.	Authority for the inspection of licensed establishments and products is provided by this regulation.	R. J. Price, USDA, APHIS-VS, Room 827, Federal Bldg., Hyattsville, MD 20782, (301) 436-8245.
9 CFR 151	Recognition of Breeds and Books of Record of Purebred Animals.	Provides for the duty free entry of purebred animals.	N. Q. Faizi, USDA, APHIS-VS, Room 815, Federal Bldg., Hyattsville, MD 20782, (301) 436-8383.
Federal Grain Inspection Service—Scheduled, Nonmajor			
7 CFR 800.60	Deceptive Practices.	FGIS will conduct a review of that part of the regulations under the U.S. Grain Standards Act dealing with deceptive actions and practices that knowingly cause or attempt to cause official personnel to issue incorrect official certificates or other official forms. The review will examine the need for and consequences of the regulations, assure that they are consistent with the intent of the law and current Agency policy, clarify and simplify the language, and make them more cost effective to FGIS and the industry.	J. T. Abshier, USDA, FGIS, Room 2405, Auditors, Washington, D.C. 20250, (202) 447-8262.
7 CFR 800.70	Fees for Official Services Performed by Official Agencies.	FGIS will conduct a review of Procedures for Official Agencies establishing fees to assure that the procedures are necessary, not in conflict with current laws or Agency policy.	E. R. Bergeron, USDA, FGIS, Room 1642-S, Washington, D.C. 20250, (202) 382-0231.
7 CFR 800.75 through 7 CFR 800.78	Kinds of Official Services.	FGIS will conduct a review of the kinds of official inspection and weighing services and the prohibited and restricted services under the regulations under the U.S. Grain Standards Act to ensure that the services adequately meet the needs of the U.S. grain marketing system and maintain the integrity of the inspection and weighing system.	J. W. Marshall, USDA, FGIS, Room 1641-S, (202) 382-0228; J. T. Abshier, Room 2405, Auditors, Washington, D.C. 20250, (202) 447-8262.
7 CFR 800.135 through 7 CFR 800.140	Appeal Inspection Services.	FGIS will conduct a review of the appeal inspection services under the regulations under the U.S. Grain Standards Act to ensure that the service is cost effective and meets the needs of the U.S. grain industry.	J. W. Marshall, USDA, FGIS, Room 1641-S, (202) 382-0228; J. T. Abshier, Room 2405, Auditors, Washington, D.C. 20250, (202) 447-8262.
7 CFR 800.160 through 7 CFR 800.166	Official certificates.	FGIS will conduct a review of the procedures for issuance and distribution of official certificates under the regulations under the U.S. Grain Standards Act to ensure that the procedures are cost effective and meet the needs of the U.S. grain market.	J. W. Marshall, USDA, FGIS, Room 1641-S, Washington, D.C. 20250, (202) 382-0228.
Food and Nutrition Service—Scheduled			
FNS has scheduled the following regulations for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
7 CFR 246, 247	Supplemental Food Programs for Women, Infants and Children (WIC and CSFP).	Review of administrative aspects of program regulations to determine if programs can be made more flexible and less proscriptive and burdensome.	Phil Cohen, USDA, FNS, Room 416, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3730.
7 CFR 273.2	Application Processing.	These rules describe the procedures for processing food stamp applications and determining eligibility and level of benefits.	Thomas O'Connor, USDA, FNS Room 708, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3429.
7 CFR 273.7	Work Registration.	These rules establish the work registration and job finding responsibilities of food stamp participants. They also establish how the requirements are to be administered.	Thomas O'Connor, USDA, FNS, Room 708, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3429.
7 CFR 273.10	Recertification.	These rules contain procedures to be followed in recertifying current food stamp participants for continued participation in the Food Stamp Program.	Thomas O'Connor, USDA, FNS, Room 708, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3429.
7 CFR 274, 276	Issuance, Accountability and Liability.	These rules govern the issuance of food stamps to Food Stamp Program participants. They also establish the system for accounting for the food stamps and establish liabilities for losses during the issuance process.	Thomas O'Connor, USDA, FNS, Room 708, Park Office Center, 3101 Park Center Dr., (703) 756-3429.
7 CFR 275	Performance Reporting System.	This rule describes procedures by which USDA monitors and evaluates State agency administration of the Food Stamp Program.	Thomas O'Connor, USDA, FNS, Room 708, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302 (703) 756-3429.
Food and Nutrition Service—Scheduled, Nonmajor			
7 CFR 250	Food Distribution Program.	This rules outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through State distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons.	Don McCreary, USDA, FNS, Room 506, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3660.
7 CFR 250.15	Processing of Donated Foods.	This rule sets forth the requirements which permit State distributing agencies, subdistributing agencies, and recipient agencies to employ commercial facilities to process USDA-donated foods by converting them into different end products or by repackaging them. The provisions prescribed ensure that food processors pass on maximum benefits of donated foods to recipient agencies and that processing activities are conducted in a manner which maintains maximum accountability and integrity of the donated foods provided by USDA.	Don McCreary, USDA, FNS, Room 506, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3660.

Parts affected	Subject	Description	Contact
7 CFR 253	Food Distribution Program on Indian Reservations.	This rule describes the terms and conditions under which (1) USDA-donated foods (available under 7 CFR 250) may be distributed to households on or near Indian reservations; (2) the program may be administered by capable Indian tribal organizations; and (3) funds may be obtained from USDA for the costs incurred in administering the program. The rule also provides for the concurrent operation of the Food Distribution Program and the Food Stamp Program on Indian reservations when such concurrent operation is requested by an Indian tribal organization.	Bob Beard, USDA, FNS, Room 506, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3660.
7 CFR 273.2	Expedited Service	This rule establishes procedures for issuing benefits on an expedited basis to households in immediate need of assistance.	Thomas O'Connor, USDA, FNS, Room 708, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3429.
7 CFR 273.16, 273.18	Fraud	These regulations describe procedures for identifying household members who have committed fraud in the Food Stamp Program and procedures for recovering overpayments from participating households.	Thomas O'Connor, USDA, FNS, Room 708, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3429.
Foreign Agricultural Service—Scheduled			
FAS has scheduled the following regulations for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
7 CFR 17.8	Public Law 480	Sales of Agricultural Commodities made available under Title I, Agricultural Trade Development and Assistance Act of 1954, as amended (Fees and Agents).	Leo Wallace, USDA, FAS, Room 4526-S, Washington, DC 20225, (202) 447-6211
7 CFR 1487	Non-Commercial Risk Assurance Program.	Provides 6-month to 3-year guarantees against non-commercial risks private financing U.S. agricultural commodities exports.	Larry McElvain, USDA, FAS, Room 4526-S, Washington, DC 20225, (202) 447-6225.
Food Safety and Inspection Service—Scheduled, Major			
9 CFR 320 and 381 (subpart O)	Records, Registration, and Reports.	Sets forth requirements for records, registration and reports.	John W. McCutcheon, USDA, FSIS, Room 327-E, Washington, D.C. 20250, (202) 447-6525.
Food Safety and Inspection Service—Scheduled, Nonmajor			
9 CFR 302, 304, 305, 306 and 381 (subparts B, D, E, and F).	Administrative Regulations.	Sets forth administrative requirements for applying for inspection, granting, refusing, inaugurating, and withdrawing inspection and assigning program employees.	John W. McCutcheon, USDA, FSIS, Room 327-E, Washington, D.C. 20250, (202) 447-6525.
9 CFR 309 and 310	Slaughter	Sets forth ante-mortem and post-mortem inspection requirements for meat.	John W. McCutcheon, USDA, FSIS, Room 327-E, Washington, D.C. 20250, (202) 447-6525.
9 CFR 329, 335 and 381 (subparts U and W).	Procedural Regulations.	Sets forth procedural requirements for detaining, seizing, and condemning meat and poultry products.	John W. McCutcheon, USDA, FSIS, Room 327-E, Washington, D.C. 20250, (202) 447-6525.
Forest Service—Scheduled, Nonmajor			
36 CFR 212	Administration of the Forest Development Transportation System.	Describes the plan for the system of access roads, trails, and airfields needed for protection, administration and use of the National Forest System.	M. R. Howlett, USDA, FS, P.O. Box 2417, Washington, D.C. 20013, (703) 235-8035.
36 CFR 228	Locatable minerals	Rules and procedures for the use of the surface of National Forest Systems lands for locatable minerals.	Howard Banta, USDA, FS, P.O. Box 2417, Washington, D.C. 20013, (703) 235-8105.
36 CFR 251.10	Mining in Custer State Park Game Sanctuary.	Prohibitions on location of mining claims within certain areas of the Sanctuary.	Howard Banta, USDA, FS, P.O. Box 2417, Washington, D.C. 20013, (703) 235-8105.
36 CFR 254, subpart B	National Forest Townsites.	Sets forth circumstances and procedures for conveying National Forest System lands in Alaska and Western States to communities.	Richard D. Hull, USDA, FS, P.O. Box 2417, Washington, D.C. 20013, (703) 235-8212.
36 CFR 281	Land Disposal; Sale of Lands Pursuant to Section 10 of the Act approved March 11, 1911.	Describes procedures for disposing of National Forest lands principally in the eastern U.S. and conditions under which these lands may be sold.	Richard D. Hull, USDA, FS, P.O. Box 2417, Washington, D.C. 20013, (703) 235-8212.
36 CFR 295	Use of Motor Vehicles Off Forest Development Roads.	Sets forth the process for developing management plans for use of off-road vehicles on National Forest lands.	Roy Feuchter, USDA, FS, P.O. Box 2417, Washington, D.C. 20013, (202) 447-3706.
Packers and Stockyards Administration—Scheduled, Nonmajor			
9 CFR 201.43-.47, 201.49-.50, 201.52, 201.101, 201.53-.66, 201.111, 203.4-.5.	Accounts and Records, Payment and Accounting for Livestock and Live Poultry, Trade Practices and Record Retention.	The payment and accounting regulations set forth the payment requirements for livestock and live poultry and for the accounting and maintenance of records. The trade practice regulations prohibit certain business practices of stockyard owners, market agencies, dealers and packers. The policy statements relate to disposition of records by packers and market agencies paying expenses of buyers.	Kenneth Stricklin, USDA, P&SA, Room 3422-S, Washington, D.C. 20250, (202) 447-7363.

Parts affected	Subject	Description	Contact
9 CFR 201.67, 201.70, 302.2-.6, 203.7-.14, 203.16.	Trade Practices, Livestock Sales to a Packer on Credit.	The trade practice regulations prohibit packers and dealers from owning market agencies selling on commission and packer ownership of dealers and market agencies buying on commission, and prohibit certain business practices with respect to competition between packers, dealers and market agencies. The sales on credit regulation prescribes terms and conditions under which parties to a purchase and sale may expressly agree in writing to credit. The policy statements relate to packer purchases of livestock for export, packer sales as purchase contracts and advertising and promotional allowances.	Kenneth Stricklin, USDA, P&SA, Room 3422-S, Washington, D.C. 20250, (202) 447-7363.
Rural Electrification Administration—Scheduled, Nonmajor			
50-1	Electric Transmission Specifications and Drawings, 100 kV and above—T805B.	Sets forth standard specifications and drawings for construction of transmission lines at 100 kV and above.	Archie Cain, USDA, REA, Room 1270-S, Washington, DC 20250, (202) 382-9088.
50-3	Specifications and Drawings for 12.5/7.2 kV Line Construction—D804.	Sets forth standard specifications and drawings for construction of 12.5/7.2 kV distribution lines by REA borrowers.	Archie Cain, USDA, REA, Room 1270-S, Washington, DC 20250, (202) 382-9088.
50-4	Specifications and Drawings for 34.5/19.9 kV Line Construction—D801.	Sets forth standard specifications and drawings for construction of 34.5/19.9 kV distribution lines by REA borrowers.	Archie Cain, USDA, REA, Room 1270-S, Washington, DC 20250, (202) 382-9088.
400-4	Payment of Legal Fees from Loan and Equity Funds.	Sets forth information concerning payment of legal fees from loan and equity funds to attorneys selected by telephone borrowers.	John N. Rose, USDA, REA, Room 2913-S, Washington, DC 20250, (202) 382-8532.
Soil Conservation Service—Scheduled, Nonmajor			
7 CFR 611	Soil Surveys	SCS is responsible for the soil survey activities of USDA. Soil surveys on non-federal lands are carried out cooperatively with State agricultural experiment stations and other State agencies. Cooperative arrangements exist between SCS and other Federal agencies for soil surveys on Federal lands. Soil surveys include information about each kind of soil insufficient detail to meet reasonable needs of landusers, groups, organizations, and units of government. Soil surveys are published when soil survey field work is completed on a designated area.	Ralph J. McCracken, USDA, SCS, Room 5204-S, P.O. Box 2890, Washington, D.C. 20013, (202) 447-3905.
7 CFR 612	Snow Surveys and Water Supply Forecast.	SCS administers a coorperative snow survey and water supply forecast program in 12 western States. The program provides agricultural water users and other water management groups in these western States with water supply forecasts. SCS establishes, maintains, and operates manual and automated snow courses. Water supply outlook reports are prepared and issued monthly in the 12 western States for months of January through June.	Ralph J. McCracken, USDA, SCS, Room 5204-S, P.O. Box 2890, Washington, D.C. 20013, (202) 447-3905.
7 CFR 613	Plant Materials Centers.	SCS operates 16 plant materials centers for the assembly, testing, and release of plant materials needed in resource conservation and development programs. SCS places emphasis on plant materials work to find suitable plants for erosion control under difficult soil and site conditions. Other plant materials work includes plants that improve wildlife food and cover, extend the grazing season for pasture and rangeland, and for environmental protection and enhancement.	Paul M. Howard, USDA, SCS, Room 5207-S, P.O. Box 2890, Washington, DC 20013, (202) 447-4630.
7 CFR 630	Long Term Contracting.	The purpose of this subchapter is to provide for programs to extend cost sharing of conservation measures and technical assistance to landowners.	Cletus J. Gillman, USDA, SCS, Room 5002-S, P.O. Box 2890, Washington, DC 20013, (202) 447-7145.
7 CFR 631	Great Plains Conservation Program.	This is a long-range volunteer program to assist farmers and ranchers to plan and apply land use development and treatment measures in approved States. SCS enters into contracts with procedures based upon approved plans to provide cost-sharing where appropriate and in the public interest.	Cletus J. Gillman, USDA, SCS, Room 5002-S, P.O. Box 2890, Washington, DC 20013, (202) 447-7145.
7 CFR 657	Prime and Unique Farmland.	It is SCS policy to make and keep current an inventory of the prime farmland and unique farmland of the nation. This inventory is carried out in cooperation with other Federal, State, and local agencies. The objective is to identify the extent and location of important rural lands needed to produce food, feed, fiber, forage, and oilseed crops.	Ralph J. McCracken, USDA, SCS, Room 5204-S, P.O. Box 2890, Washington, D.C. 20013, (202) 447-3905.
7 CFR 660	Cooperative Relationships and Arrangements.	Cooperative relationships and arrangements initiated by SCS are written in memorandums of understanding, cooperative agreements, and trust fund agreements. The instrument evidences the intent of SCS and the cooperating parties to carry out an undertaking which will result in mutual benefit to each.	Cletus J. Gillman, USDA, SCS, Room 5002-S, P.O. Box 2890, Washington, DC 20013, (202) 447-7145.

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Federal Register

Thursday
October 28, 1982

Part IV

Department of Commerce

Office of the Secretary

Semiannual Agenda of Regulations

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, Subchs. A, B, C, Chs. IV, VIII, IX, Subtitle D, Ch. XXIII

37 CFR Ch. I, Subchs. A, B

41 CFR Subtitle A, Ch. XIII

50 CFR Chs. II, III, IV, V

SEMIANNUAL AGENDA OF DEPARTMENT OF COMMERCE REGULATIONS

AGENCY: Commerce Department.

ACTION: Semiannual Agenda of Department of Commerce Regulations.

SUMMARY: In compliance with Executive Order 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Pub. L. No. 96–354), the Department of Commerce (DOC) in October and April of each year publishes in the **Federal Register** an agenda of its ongoing or expected rulemakings (regulations that the Department expects to propose and/or issue) over the next 12 months. In addition, the agenda lists all existing regulations currently under review for possible revision or repeal and all such reviews scheduled to begin over the next 12 months. Finally, the agenda lists all rulemakings and reviews of existing regulations completed since publication of the last agenda. The purpose of the agenda is to provide information to the public on regulations being reviewed, proposed to be issued, or issued by the Department and to facilitate comments and views by interested members of the public.

Regulatory activities initiated after September 30, 1982 are not included in this agenda but will be included in the next.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulatory action listed in the agenda, contact the individual identified as the contact person. Comments or inquires of a general nature about the agenda should be directed to H. Stephen Halloway, Associate General Counsel of Legislation and Regulation, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377–1328.

For information on this edition of the agenda contact: M. Kendall Fleeharty, Assistant General Counsel for Regulation, U.S. Department of Commerce Washington D.C. 20230 Telephone: (202) 377–1328.

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed Executive Order No. 12291. The Executive Order requires that all executive agencies publish semiannually an agenda of regulations which are under consideration. The Executive Order and Office of Management and Budget Bullentin No. 82–16 issued July 22, 1982 (which established guidelines and procedures for the preparation and publication of the October 1982 Government agency agendas) directs agencies to provide in the agenda the following information on all regulatory activities being conducted or planned to be conducted by the agency during the next 12 months (October 1, 1982 to September 30, 1983): the title of the regulation, the name, title, address and phone number of an agency person who is knowledgeable about the regulation, whether the regulation has or is expected to have a significant economic impact on a substantial number of small entities (if so, the Regulatory Flexibility Act requires the agency to prepare a Regulatory Flexibility Analysis (RFA)), the section(s) of the Code of the Federal Regulations (CFR) which authorize(s) or will be affected by the action, the section of the United States Code (USC), Paublic Law (Pub. L. No.), or Executive Order that authorizes the action, an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, potential costs and benefits of the action, and a timetable of dates and citations (where available) for past and future stages of the action.

The OMB Bulletin also requires that regulations designated for priority development or review by the agency head or the President's Task Force on Regulatory Relief, and Regulations which are "major rules" within the meaning of Executive Order 12291 (A Regulatory Impact Analysis (RIA) must be prepared by the agency for any regulation considered to be a "major rule") be listed under a priority heading separate from non-priority rules and reviews. The Department also assigns this priority classification to all rules required to be reviewed, revised or issued by a Court Order and those new rules whose issuance is needed to protect the public or the environment and those revisions whose issuance furthers the regulatory reform and relief goals of the Administration. The OMB Bulletin also requires that all regulations issued or withdrawn, and reviews completed since the preceding agenda, be listed with the following information: the title of the regulation, the agency contact name and phone number, the Federal Register citation of the final action, if available, and the final action taken.

EXPLANATION OF INFORMATION CONTAINED IN THE AGENDA:

Within the Department, the office of the Secretary and various operating units may issue regulations. Operating units such as the National Oceanic and Atmospheric Administration (NOAA), the International Trade Administration (ITA), and the Patent and Trademark Office (PTO) issue the greatest share of the Department's regulations, while other operating units such as the Monority Business Development Agency (MBDA) currently have no regulations in effect.

The abbreviations and names of the organizational units and subunits reporting regulatory activities in this agenda are as follows:

Office of the Secretary (OS)
  Assistant Secretary for Administration (OS/ADM)
Bureau of Economic Analysis (BEA)
Bureau of the Census (CENSUS)
Economic Development Administration (EDA)
International Trade Administration (ITA)
National Bureau of Standards (NBS)
National Oceanic and Atmospheric Administration (NOAA)
  National Marine Fisheries Service (NOAA/NMFS)
  Office of Coastal Zone Management (NOAA/OCZM)
  Office of Minerals and Energy (NOAA/OME)
  Office of Management and Budget (NOAA/OMB)
National Telecommunications and Information Administration (NTIA)
Office of Productivity, Technology and Innovation (OPTI)
Patent and Trademark Office (PTO)

The heading "completed actions" does not differentiate between "priority" and "non-priority" classifications because these classifications are being estiblished for the first time in this agenda. Under the subheading "where listed in previous agenda", "RUC" stands for "regulation under consideration" in the last agenda. This corresponds to the headings for priority or non-priority current and projected rulemakings in this agenda. "RUR" stands for "regulations under (selected for) review" in the last agenda, which corresponds to the headings for priority or non-priority reviews of existing regulations in this agenda.

Under the subheading "timetable" under the headings for priority and non-priority current and projected rulemakings, "ANPRM" stands for Advance Notice of Proposed Rulemaking, and "NPRM" stands for Notice of Proposed Rulemaking. Under the subheading "additional information" is indicated whether a RIA and/or a RFA is required, whether such documents are available, and the availability of other documents such as Environmental Assessments or Environmental Impact Statements.

The Department's agenda lists 130 regulatory actions. Of these, 50 are priority current and projected rulemakings of which 2 have been determined to be "major rules" for the purpose of Executive Order 12291 and which therefore require preparation of a Regulatory Impact Analysis (RIA). Twenty-seven regulatory actions are non-priority current and projected rulemakings. One is a priority review of an existing regulation and 8 are non-priority reviews of existing regulations. Finally, there are 44 "completed actions" of which 10 are also now priority and non-priority current and projected rulemakings. Sixteen regulations potentially will have a "significant economic impact on a substantial number of small entities" within the meaning of the Regulatory Flexibility Analysis (RFA).

In addition, Department units have or will undertake economic analyses of 19 regulations listed in the agenda even though these are not "major rules" with the meaning of Executive Order 12291. In these instances, the agency involved, in conjunction with the Office of the General Counsel, has determined that such an analysis will contribute to the development of cost effective rules.

A large number of the regulations presented in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well to provide some understanding of the technical and institutional elements of the NMFS's programs, a section of "Explanation of Information Contained in NMFS's Regulatory Entries" is provided below.

EXPLANATION OF INFORMATION CONTAINED IN MMFS's REGULATORY ENTRIES

The Magnuson Fishery Conservation and Management Act of 1976 (16 USC 1801 *et seq.*) (Act) requires that a preliminary fishery management plan (PMP) be prepared for all fisheries within a fishery conservation zone (FCZ) fished in by foreign fishing nations. The FCZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery management plans (FMPs) are to be prepared if those fisheries require conservation and management measures. Although PMPs apply only to foreign fishing, the FMPs regulate both foreign and domestic fishing. When promulgated, the FMPs supersede the PMPs. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs for fisheries within their respective areas.

In the development of such plans (and regulations), the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs makes it difficult for the NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently, the NMFS does not have specific plan objectives or alternatives for management since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

Malcolm Baldridge,

Secretary of Commerce.

BILLING CODE 3510-BW-M

SEMIANNUAL AGENDA OF DEPARTMENT OF COMMERCE REGULATIONS

I. Office of the Secretary

Priority Current and Projected Rulemakings

Unit/Sub Unit: OS/ADM.

Title: Age Discrimination Act of 1975: Implementation.

CFR: 15 CFR Part 8a.

Legal Authority: Age Discrimination Act of 1975 (Pub. L. No. 94–1135).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Arthur E. Cizek, Office of Civil Rights, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–4993.

Timetable:

Action: NPRM Final Rule.

Date: July 10, 1980 Not determined.

FR Cite: 45 FR 124.

Abstract: The regulations set out DOC's policies and procedures to ensure that there is no discrimination on the basis of age in non-Federal Government programs or activities receiving financial assistance from the Department.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared.

Unit/Sub Unit: OS/ADM.

Title: Procurement; Debarred, Suspended & Ineligible Bidders.

CFR: 41 CFR Subpart 13–1.6.

Legal Authority: 5 USC 301, 552, & Section 205(c) of the Federal Property & Administrative Services Act.

Effects on Small Entities: None.

Agency Contact: John Danmeyer, Office of Procurement Services, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–4248.

Timetable:

Action: Final Rule.

Date: 60 days after GSA publishes its amendment to the Govt.-wide Fed. Procurement Regs. Incorporating OMB Policy Letter 82–1.

FR Cite:

Abstract: To prescribe DOC Procedures for debarring and suspending bidders and contractors from participating in Government contracting and subcontracting. The Federal Procurement regulations (41 CFR Subpart 1–1.6) prescribe Government procedures for debarment, suspension and placement of bidders in an ineligible status. These regulations require that each Executive Agency issue regulations specifying responsibilities, in the case of potential suspension, for the granting of denying of a request for hearing and assigning responsibility for decisions with regard to debarment. The regulation to be issued would simply implement the Government-wide requirements for the Department.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: OS/ADM.

Title: Intergovernmental Review of Federal Programs.

CFR: 15 CFR (New Part).

Legal Authority: Executive Order 12372.

Effects on Small Entities: No significant economic impact is expected on small entities.

Agency Contact: H. Stephen Halloway, Associate General Counsel for Legislation and Regulation, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–1328.

Timetable:

Action: NPRM Final Rule.

Date: Jan. 15, 1983, April 30, 1983.

FR Cite:

Abstract: Executive Order 12372 establishes new procedures to provide State and local governments with the opportunity to coordinate and review

proposed Federal financial assistance and direct Federal Development. The Department is currently reviewing current agency regulations which are affected by the Order. The revision will implement the requirements of the Order and will provide for more effective particpation by State and local governments.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Priority Reviews of Existing Regulations

Unit/Sub Unit: OS/ADM.

Title: Non-Discrimination in Federally Assisted Programs of the Dept. of Commerce; Implementation of Title VI of the Civil Rights Act of 1964.

CFR: 15 CFR Part 8.

Legal Authority: Title VI of Civil Rights Act of 1964 (42 USC 2000–1).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Arthur E. Cizek, Office of Civil Rights, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–4994.

Date for Start of Review: Review is underway.

Target Date for Completion of Review: 60 days after receipt of Department of Justice recommendations.

Abstract: The Department of Justice requested the Department of Commerce to review 15 CFR Part 8, which governs the Department of Commerce's implementation of the Government-wide non-discrimination program. Completion of review is awaiting receipt of recommendations from the Department of Justice.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and will be prepared.

Completed Actions

Unit/Sub Unit: OS/ADM.

Title: Public Information; Freedom of Information (Fees); Privacy Act (Fees).

Agency Contact: Marilyn S. McLennan, Chief Information Policy & Management Div., Ofc. of Information Management, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–4217.

Where Listed in Prior Agenda: RUC.

Action Taken: Withdrawn, no revisions to the existing regulations will be proposed or issued during the next 12 months.

Abstract: Existing regulations (15 CFR 4.4 and 4b.11) set the fee structure for search and reproduction charges in response to Freedom of Information Act and Privacy Act requests. These fees need adjustment to fully recover costs. A study was planned of the existing fee structure to determine how the fee structure should be adjusted, but it has been postponed pending completion of higher priority assignments.

Unit/Sub Unit: OS/ADM

Title: Section 504 of the Rehabilitation Act of 1973: Implementation; Prohibition of Discrimination Against the Handicapped in Federally Assisted Programs of the Dept. of Commerce.

Agency Contact: Arthur E. Cizek, Ofc. of Civil Rights, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–4994.

Where Listed in Prior Agenda: RUC.

Action Taken: Final rule published on April 13, 1982 in 47 FR 17741.

Abstract: The regulation establishes procedures and policies to assure nondiscrimination based on handicap in non-Federal Government programs and activities receiving financial assistance from the Department of Commerce.

Unit/Sub Unit: OS/ADM.

Title: Public Information; Freedom of Information (Business Information).

Agency Contact: Marilyn S. McLennan, Chief, Information Policy & Management Div., Ofc. of Information Management, U.S. Dept. of Commerce, Wash., D.C. 20230, (202) 377–4217.

Where Listed in Prior Agenda: RUC.

Action Taken: Withdrawn, no regulations will be proposed or issued during the next 12 months.

Abstract: The Department had planned to issue regulations to govern how it advises and consults with submitters of business data when data is requested by a third party pursuant to the Freedom of Information Act. The Department has policies and procedures which govern these procedures, but has not translated those into regulations. This task has been postponed because of other higher priorities.

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II. Bureau of Economic Analysis

Non-Priority Current and Projected Rulemakings

Unit/Sub Unit: BEA.

Title: Direct Investment Surveys.

CFR: 15 CFR 806.14(a)(2) and 806.16.

Legal Authority: International Investment Survey Act of 1976 (22 USC 3101–3108).

Effects on Small Entities: No significant economic impact.

Agency Contact: Margaret L. Woody, Management Analyst, Mgmt. Services Div., U.S. Dept. of Commerce, Wash., D.C. 20230, (202) 377–3036.

Timetable:

Action: NPRM Public Comment Period Ends Final Rule.

Date: Sept. 30, 1982, Nov. 30, 1982, Jan. 1983.

FR Cite:

Abstract: The present regulations (15 CFR Part 806) need to be revised in order to conduct the 1982 benchmark survey of U.S. direct investment abroad. The last such survey was conducted in 1977. The International Investment Survey Act requires such a survey to be conducted every 5 years. The data collected serve as benchmarks for quarterly sample surveys used to prepare balance of payments, material economic accounts, and general purpose statistics.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

BILLING CODE 3510-08-M

III. Bureau of the Census

Non-Priority Reviews of Existing Regulations

Unit/Sub Unit: Census.

Title: Special Services & Studies Performed by the Bureau of the Census (Fees).

CFR: 15 CFR 50.15, 50.20, 50.25, 50.30, 50.35.

Legal Authority: 15 U.S.C. 192, 189a; 13 U.S.C. 8.

Effect on Small Entities: No significant economic effect on a substantial number of small entities.

Agency Contact: Sherry Courtland, Program & Policy Dev. Ofc., Bureau of the Census, U.S. Dept. of Commerce, Wash., D.C. 20233, (301) 563–2758.

Date for Start of Review: October 1, 1982.

Target Date for Completion of Review: Dec. 31, 1982.

Abstract: These regulations are being reviewed to revise, where appropriate, the fee structure for providing special services and studies by the Bureau of the Census. The sections being reviewed refer to the fee structure for unpublished data from the 1980 Census of Population and Housing, enumeration district maps, housing data from the 1980 census, foreign trade shipping statistics, and seasonal adjustments of time series. 13 USC 8 requires Census to charge fees that recover the cost of work or services performed.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Completed Actions

Unit/Sub Unit: Census.

Title: Regulations Relating to Commerce & Foreign Trade; Foreign Trade Statistics; Census & Customs Access to Records Kept in Normal Business Practice.

Agency Contact: Harold L. Blyweiss, Foreign Trade Div., Bur. of the Census,

U.S. Dept. of Commerce, Wash, D.C. 20233, (301) 763–5526.

Where Listed in Prior Agenda: RUC.

Action Taken: Final amendment to existing rule published on Feb. 18, 1982 in 47 FR 7213.

Abstract: The Foreign Trade Statistics regulations (15 CFR Part 30) were amended primarily for the purpose of conforming them with existing practices by eliminating obsolete requirements and by updating references that have changed.

Unit/Sub Unit: Census.

Title: Regulations Relating to Commerce & Foreign Trade, Foreign Trade Statistics, Foreign Trade Zones.

Agency Contact: Harold L. Blyweiss, Foreign Trade Div., Bur. of the Census, U.S. Dept. of Commerce, Wash., D.C. 20233, (301) 563–5526.

Where Listed in Prior Agenda: RUC.

Action Taken: Final amendment to existing rule published on July 9, 1982 in 47 FR 29828.

Abstract: The Foreign Trade Statistics regulations (15 CFR Part 30) were amended in order to obtain statistical data on the movement of merchandise into and out of U.S. Foreign Trade Zones.

BILLING CODE 3510-07-M

IV. Economic Development Administration

Non-Priority Current and Projected Rulemakings

Unit/Sub Unit: EDA.

Title: EDA Establishment and Organization, Description of Organization.

CFR: 13 CFR Subpart 301C.

Legal Authority: DOC Organization Orders 10–4, 45–1 (40 FR 56702; 40 FR 5549).

Effects on Small Entities: None.

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Administration, EDA, U.S. Department of Commerce, Wash., D.C. 20230, (202) 377–5441.

Timetable:

Action: NPRM Final Rule.

Date: Fall 1982, Winter 1982–1983.

FR Cite.

Abstract: The existing regulations need to be amended to reflect organizational changes made pursuant to the most recent amendments to the Department of Commerce Organization Orders cited above. There are no costs associated with this amendment and there are no viable alternatives to it.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: EDA.

Title: Property Management Standards: Real Property.

CFR: 13 CFR Part 314.5

Legal Authority: 42 U.S.C. 3211, Section 1–105 of Executive Order 12185, DOC Organization Order 10–4 (40 FR 56702).

Effects on Small Entities: None.

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Administration, EDA, U.S. Dept. of Commerce, Washington, D.C. 20230 (202) 377–5441.

Timetable:

Action: Interim Rule, Final Rule.

Date: Fall 1982, Winter 1982–1983.

FR Cite:

Abstract: An amendment to the existing regulation is needed to fulfill a need not contemplated when the regulations were originally drafted. This proposed amendment would permit the Assistant Secretary for Economic Development to waive the prohibition against placing a mortgage on property which has already been financed by an EDA public works grant, if certain conditions are met. The conditions for waiver are the same as those which must be met by EDA applicants who seek to place a mortgage on the property which is to be financed by an EDA public works grant. The benefits are that grantees will have the ability to raise needed funds from the private sector. The costs are a very slight risk that a public facility may lose its public character. The alternative of not amending this regulation was considered and rejected.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub unit: EDA.

Title: Civil Rights Requirements for EDA Assisted Projects.

CFR: 13 CFR Parts 311.1 and 311.3(d).

Legal Authority: Section 504 of the Rehabitation Act of 1973 (29 U.S.C. 794); Executive Order 12250.

Effects on Small Entities: None.

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Administration, EDA, U.S. Dept. of Commerce, Washington, D.C. 20230, (202) 377–5441.

Timetable:

Action: Interim Rule, Final Rule.

Date: Fall 1982, Winter 1982–1983.

FR Cite:

Abstract: This regulation needs to be amended in order to incorporate pertinent portions of a recent DOC regulation (15 CFR Part 8(b)) which establishes procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from DOC. The DOC regulation already applies to EDA financial recipients and this amendment is being undertaken so that EDA financial recipients will not have to refer to non-EDA issued regulations to be aware of or understand their responsibilities. Consequently, these regulations impose no additional costs or provide any additional benefits other than to provide an administrative aid to recipients.

Additional Information: Since this regulation just repeats in a different section of CFR responsibilities already imposed, neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: EDA.

Title: Energy Conservation Regulations; Public Works & Development Facilities Program; Business Development Program; Technical Assistance, Research & Information; Special Economic Development & Adjustment Assistance Grants.

CFR: 13 CFR Parts 305.59, 306.12(g)(14), 306.12(j), 307.22(b), 307.28(c)(b), 307.55(a)(15), 307.55(b)(5), 307.56(h), 307.57(a)(6), 308.6(a)(8).

Legal Authority: Executive Order No. 12185.

Effects on Small Entities: None.

Small Entities: None.

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Administration, EDA, U.S. Dept. of Commerce, Washington, D.C. 20230 (202) 377–5441.

Timetable:

Action: Interim Rule, Final Rules.

Date: May 10, 1982, Winter 1982–83.

FR Cite: 47 FR 19983.

Abstract: Interim regulations were issued to bring the existing regulations within the bounds of the requirements of the Executive Order. The new regulations are designed to encourage EDA assistance recipients to undertake energy conservation measures on a voluntary basis. There are no viable alternatives to the regulation.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Completed Actions

Unit/Sub Unit: EDA.

Title: Public Works & Development Facilities Program: Disbursement of Funds for Grant & Loan Projects; Disbursement of Funds for Grants.

Agency Contact: James Marten, Deputy Chief Counsel for Oper. & Admin., EDA, U.S. Dept. of Commerce, Wash., D.C. (202) 377–5441.

Where Listed in Prior Agenda: RUC.

Action Taken: Final rule published on Apr. 18, 1982 in 47 FR 15102.

Abstract: This amendment provides for waivers by the Assistant Secretary for Economic Development from the requirement that disbursement of grant funds will not be made until all contracts for project completion have been executed. A waiver now can be granted upon a showing by the grantee that enforcement of the condition would be unduly burdensome.

Unit/Sub Unit: EDA.

Title: General Requirements for Financial Assistance; Standards for Suspending or Terminating Collection Action.

Agency Contact: James Marten, Deputy Chief Counsel for Oper. & Admin., EDA, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–5441.

Where Listed in Prior Agenda: RUC.

Action Taken: Regulation will not be proposed or issued.

Abstract: This proposed regulation would be established administrative standards for the collection, compromise and termination of agency claims, as well as for referral of claims for appropriate action to the Department of Justice. It was determined that such a regulation is not needed.

BILLING CODE 3510-24-M

V. International Trade Administration

Priority Current and Projected Rulemakings

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade: Export Administration Regulations.

CFR: 15 CFR Parts 368, 370–376, 377–379, 385–386, 390, 399.

Legal Authority: Export Admin. Act of 1979 (50 U.S.C. App. 2401 *et seq.*); Exec. Orders 12002 & 12214; DOC Organization Order 10–3; ITA Organization & Function Orders 14–1 & 14–4.

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: John K. Boidock, Ofc. of Export Admin., Intl. Trade Admin., U.S. Dept. of Commerce, Wash., D.C. 20230, (202) 377–2118.

Timetable:

Action: ANPRM (simplify language & format ANPRM (policy review) NPRMs (covering various portions of the regulations) Public Comment Period Ends Final Rule.

Date: April 30, 1982, Oct. 1982, Mar. 1983–May 1984, July 1984, Sept. 1984.

FR Cite: 47 FR 18613.

Abstract: The existing regulations provide procedures for the administrative programs required to carry out the Department's responsibilities for regulating exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply.

Review of these regulations to remove artificial barriers to small business exports was initiated by the President's Task Force on Regulatory Relief.

Revisions to the regulations will be proposed to improve organization, indexing, simplify language, eliminate unnecessary administrative requirements and obsolete provisions, reduce documentation requirements and lessen the compliance burden. Economic impacts will be reviewed and addressed. It is unclear whether the review of policy issues, some of which are mandated by the Export Administration Act, will be changed.

A more readable and understandable set of regulations with reduced administrative and documentation requirements will result from these revisions. This should considerably aid small business in making exports.

Additional Information: An RIA and an RFA are required. The RFA will be included in the RIA which is being prepared.

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade; Industrial Mobilization Regulations; Defense Materials System & Defense Priorities System (OMS/OPS).

CFR: 15 CFR Parts 330–32, 340–43, 350–54.

Legal Authority: Defense Production Act of 1950 (50 USC App. 2061 *et seq.*); Exec. Order 10480,

Effects on Small Entities: No significant economic impact.

Agency Contact: Iain S. Baird, Director, Priorities & Allocations Div., Ofc. of Industrial Resource Admin., ITA, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–2233.

Timetable:

Action: NPRM Public Comment Period Ended Interim Rule.

Date: June 2, 1981, Aug. 31, 1981, Fall 1982.

FR Cite: 46 FR 29662.

Abstract: To implement those priorities and allocation authorities of Title I of the Defense Production Act of 1950, as amended, that are assigned to the Office of Industrial Resource Administration, a new regulatory system was proposed that: 1) consolidates the existing regulations and eliminates duplication; 2) is clearly written, organized and presented; and 3) provides for an efficient and effective priorities and allocations system designed to meet likely future challenges and demands. Public comments received were overwhelmingly in favor of the proposed regulations. The benefit of this regulations will be a regulatory system that will be easy to understand and use, without any increase in cost or burden on the public.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The regulations will impose only minimal recordkeeping and administrative burdens on any individual entity subject to them.

Unit/Sub Unit: ITA.

Title: Energy Regulation I, Priorities & Allocations Regulations.

CFR: 15 CFR Part 350.

Legal Authority: Defense Production Act of 1950 (50 USC App. 2061 *et seq.*); Exec. Order 11921.

Effects on Small Entities: No significant economic impact.

Agency Contact: Iain S. Baird, Director, Priorities & Allocations Div., Ofc. of Industrial Resource Admin., U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–2233.

Timetable:

Action: NPRM Public Comment Period Ended Interim Rule.

Date: June 2, 1981, Aug. 31, 1982, Fall 1982.

FR Cite: 46 FR 29662.

Abstract: To provide regulatory procedures to implement those material and equipment priorities and allocations responsibilities under section 101(c) of the Defense Production Act of 1950, as amended, that are assigned to the Office of Industrial Resource Administration and that relate to the timely performance of contracts and orders which will maximize domestic energy supplies.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The regulations would impose only a minimal recordkeeping and administrative burden on any individual entity subject to the regulations. This regulation will be included as part of the new Defense Priorities and Allocations System (DPAS) regulation now in proposal form.

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade, Miscellaneous Adjustment Assistance for Firms & Industries Adversely Affected By Imports.

CFR: 15 CFR Part 320.

Legal Authority: Ch. 2 of Titile II of the Trade Act of 1974 (19 USC 2341 et seq.).

Effects on Small Entities: Not determined.[1]

[1] This rule is exempt from the requirements of the Regulatory Flexibility Act, since the Department is

Agency Contact: Lyle Ryter, Ofc. of Trade Adustment Assistance, ITA, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–0150

Timetable:

Action: NPRM Public Comment Period Ends Final Rule.

Date: Nov. 1982, End of Jan. 1983, Mar. 1983.

FR Cite:

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect recent amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade, Foreign Trade Zones Board: General Regulations Governing Foreign Trade Zones in the United States, with Rules of Procedures.

CFR: 13 CFR Part 400.

Legal Authority: Foreign-Trade Zones Act of 1934 (19 USC 81a et seq.).

Effects on Small Entities: No significant economic impact on a substantial number of small entities.

Agency Contact: John L. Evans, Deputy to the Deputy Asst. Sec. for Import Admin., Ofc. of Import Admin., International Trade Admin., U.S. Dept. of Commerce, Wash., D.C. 20230 (202)377–1780.

Timetable:

Action: ANPRM, NPRM Public Comment Period Ends Final Rule.

Date: Oct. 14, 1980, Jan. 1983, Mar. 1983, July 1983.

FR Cite: 45 FR 67681.

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR Part 400 in order to update the language and conform it to current CFR format.

Additional Information: These rules apply to approximately 75 zones and subzones throughout the United States. Of the 1500 companies using these zones, 900 do so on a full time basis. This level of activity is not sufficient to classify these rules as major under Executive Order 12291. Accordingly, no RIA is required or will be prepared. No RFA is required or will be prepared.

Completed Actions

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade; Export Admin. Regulations.

Agency Contact: Richard Isadore, Director, Operations Div., Ofc. of Export Admin., International Trade Admin., U.S. Dept. of Commerce, Wash., D.C. 20230, (202)377–4188.

Where Listed in Prior Agenda: RUR.

Action Taken: The existing regulations are being revised. This title is now listed under priority current & projected rulemakings.

Abstract: See listing under priority current and projected rulemakings.

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade Miscellaneous Regulations, Instruments & Apparatus for Educational & Scientific Institutions.

Agency Contact: Richard Seppa, Statutory Import Programs Staff, ITA, U.S. Dept. of Commerce, Wash., D.C. 20230, (202) 377–1660.

Where Listed in Prior Agenda: RUC.

Action Taken: Final Rule published on July 28, 1982 in 47 FR 32515.

Abstract: The Departments of Commerce and the Treasury have joint responsibilities under the Educational, Scientific and Cultural Materials Importation Act of 1966. The rule which revised 15 CFR Part 301 will (i) improve the public's understanding of the requirements for duty-free entry of instruments and apparatus for educational and scientific institutions by placing both the Commerce and the Treasury regulations in a single part; and (ii) update and clarify miscellaneous provisions.

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade, Export Administration Regulations Restrictive Trade Practices or Boycotts.

Agency Contact: William V. Skidmore, Ofc. of Antiboycott Compliance, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–5914.

Where Listed in Prior Agenda: RUC.

Action Taken: Final rule published on Sept. 1, 1982 in 47 FR 38501.

Abstract: The rule which amended 15 CFR Part 369 makes five revisions or clarifications of the antiboycott provisions of the Export Administration Regulations. Three of the revisions deal with the elimination of the reporting requirement for vessel eligible clauses, insurance agent clauses, and most risk of loss clauses. The two other changes make clear that banks may not implement letters of credit which include the condition "do not negotiate with blacklisted banks", or words to that effect, and that they may not insist by refusing to pay, that a beneficiary comply with a requirement in a letter of credit that he furnish a statement about his blacklist status.

The Department believes that the changes in the reporting requirements will substantially reduce the burden on the business community of complying with the restrictive trade practice or boycott reporting provisions of the Export Administration Regulations without reducting the Department's ability to monitor boycott activity effectively. The letter of credit revisions will clarify a complex area of the regulations, and affirm the Department's commitment to fair enforcement of the antiboycott provisions of the Export Administration Act without any disruption of commercial practices.

BILLING CODE 3510-25-M

VI. National Bureau of Standards

Non-Priority Current and Projected Rulemakings

Unit/Sub Unit: NBS.

Title: Federal Interaction with Voluntary Standards Bodies.

CFR: 15 CFR Part 19.

Legal Authority: 41 USC 405; OMB Circular A–119.

Effects on Small Entities: Not yet determined.

Agency Contact: Allen J. Farrar, Legal Advisor, National Bureau of Standards, U.S. Dept. of Commerce, Washington, D.C. 20234, (301) 921–2425.

TIMETABLE

Action	Date	FR Cite
Notice announcing issuance of DOC procedures.	Jan. 6, 1981	46 FR 1574.
Postponement of effective date of procedures to Mar. 30, 1981.	Feb. 10, 1981	46 FR 11657.
Further postponement of effective date of procedures to April 29, 1981.	Mar. 30, 1981	46 FR 19227.

not required by Section 553 of Title 5 of the United States Code or any other law to publish general notice of proposed rulemaking for regulations implementing the adjustment assistance program (see Section 553(a)(2) concerning loans and grants).

TIMETABLE—Continued

Action	Date	FR Cite
Notice seeking public comment on whether procedures should be suspended indefinately or allowed to go into effect on an interim basis pending their reexamination.	Mar. 30, 1981	46 FR 19266.
Further postponement of effective date of procedures to June 29, 1981.	Apr. 29, 1981	46 FR 23922.
Notice announcing that effective date of 15 CFR Part 19 is postponed until further notice.	June 29, 1981	46 FR 33238.

Abstract: 15 CFR Part 19 established procedures in Subpart A, which has never gone into effect, for listing voluntary standards bodies and their standards-developing groups, a precondition for Federal participation in such bodies and groups. This listing, which was undertaken by the Secretary of Commerce, was intended to implement the procedures set out in section 7a of OMB Circular A–119 of January 17, 1980. To be listed, voluntary standards bodies would have to certify their adherence to certain due process and other criteria. 15 CFR Part 19 also established procedures in Subpart B for delisting voluntary standards bodies and their standards-developing groups which did not adhere to the due process and other criteria set out in Subpart C. In addition, 15 CFR Part 19 established procedures in Subpart F for a voluntary dispute resolution service for the rapid handling of procedural complaints by interested parties against voluntary standards bodies that were listed by the Secretary.

The Office of Management and Budget is presently reviewing OMB Circular A–119. Specifically OMB is considering whether the mandate in the Circular of procedural criteria to which private standards-developing bodies must adhere as a precondition to Federal participation should be continued. Depending on whether and how the Circular is revised, the Department's regulations may need revision.

Additional Information: An RIA is not required and will not be prepared. It has not yet been determined whether an RFA is required or will be prepared.

BILLING CODE 3510-13-M

VII. National Oceanic and Atmospheric Administration

Priority Current and Projected Rulemakings

Unit/Sub Unit: NOAA/NMFS.

Title: Guidelines for Fishery Management Plans: National Standards.

CFR: 50 CFR Part 602.2.

Legal Authority: Section 301 of the Magnuson Fishery Conservation & Management Act (16 USC 1851).

Effects on Small Entities: No significant economic impact is expected on a substantial number of small entities.

Agency Contact: Daphne White, Office of Resource Conservation & Management, NMFS, NOAA, U.S. Dept. of Commerce, Washington, D.C. 20225 (202) 634–7218.

Timetable:

Action: NPRM Final Rule.

Date: June 23, 1982, Winter 1982–83.

FR Cite: 47 FR 27228.

Abstract: The national standard guidelines interpret statutory criteria for development, review, and implementation of fishery management plans, amendments, and regulations. The current guidelines are obsolete. The revision is intended to result in improved fishery management plans, and to result in a more uniform understanding among the Regional Fishery Management Councils of the basis for Secretarial review.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 3 to the Mackerel, Squid, & Butterfish Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 611.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 U.S.C. 1801 et seq.).

Effects on Small Entities: No significant economic impact is expected on a substantial number of small entities.

Agency Contact: Allen E. Peterson, Jr., Director, Northeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm St., Gloucester, MA 01930, (671) 281–3600.

Timetable:

Action: NPRM Final Rule.

Date: Oct. 1982, Feb. 1983.

FR Cite:

Abstract: The amendment and implementing regulations are needed to prevent overfishing, regulate foreign fishing and joint ventures, and provide an environment for expansion of the U.S. mackerel, squid, and butterfish fisheries. The objectives are to merge the current mackerel, squid, and butterfish fishery management plans (FMPs), and to develop a multiyear FMP to minimize the need for annual amendments. The amendment merges existing Atlantic mackerel, squid, and butterfish FMPs, and extends the merged plans for three years. Because the proposed amendment does not change existing domestic regulations, there is no impact of this amendment on small entities in this fisheries.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Fishery Management Plan for the Precious Coral Fisheries of the Western Pacific Region: Implementing Regulations.

CFR: 50 CFR Parts 611 & 688.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 et seq.).

Effects on Small Entities: A substantial number of small entities will not be affected.

Agency Contact: Alan W. Ford, Dir., Southwest Region, NMFS, NOAA, 300 S. Ferry Street, Terminal Island, CA 90731 (213) 548–2575.

Timetable:

Action: NPRM Final Rule.

Date: Sept. 15, 1980, Feb. 1983.

FR Cite: 45 FR 60957.

Abstract: The regulations propose quotas, gear restrictions, and closed areas for the harvest of precious corals.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review, Environmental Impact Statement, and the Fishery Management Plan are available.

Unit/Sub Unit: NOAA/NMFS.

Title: 1983 Amendment to the Fishery Management Plan for Commerical & Recreational Salmon Fisheries off the Coast of Calif., Oregon and Washington.

CFR: 50 CFR Part 611.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 et seq.).

Effects On Small Entities: Not yet determined.

Agency Contact: Herbert Larkins, Director, Northwest Region, NMFS, NOAA, U.S. Dept. of Commerce, 700 Sand Point Way, NE., Seattle, WA 98115 (206) 527–6140.

Action: NPRM Final Rule.

Timetable:

Date: April 1983, May 1983.

FR Cite;

Abstract: The amendment and implementing regulation would establish

quotas, seasons, gear restrictions, and size limits for the commercial and recreational catch of salmon off the west coast in 1983.

Additional Information: An RIA is not required and will not be prepared. A Regulatory Impact Review/initial RFA is being prepared and will be available.

Unit/Sub Unit: NOAA NMFS.

Title: Amendment No. 2 to Atlantic Billfishes and Sharks Preliminary Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 611.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 U.S.C. 1801 et seq.).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Jack T. Brawner, Acting Director, Southeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL 33702 (813) 893–3141.

Timetable:

Action: NPRM Final Rule.

Date: Aug. 4, 1982, Dec. 1982.

FR Cite: 47 FR 33722.

Abstract: The Preliminary Fishery Management Plan (PMP) does not contain sufficient management measures to control the foreign bycatch of billfish and sharks in the directed tuna longline fishery in the fishery conservation zone (FCZ). The effects of the foreign bycatches are to diminish the value of the U.S. fishermen's right to the first opportunity to harvest Atlantic billfishes and sharks in the FCZ, as permitted under the Magnuson Act. The regulations would amend the existing PMP to increase availability of billfishes and sharks to U.S. fishermen; reduce conflict between domestic and foreign fishermen; conserve billfish resources within the FCZ; and provide reasonable opportunity for foreign nations to fish for tuna under international agreements.

The regulations will have a significant impact on a substantial number of small entities. The PMP governs foreign nations fishing in the FCZ, but the domestic recreational industry and commercial fisheries will benefit through anticipated increased recreational fishing success, more efficient commercial fishing, and reduced gear damage. In view of the area closures and compensatory payment system, the beneficial impacts of the PMP cannot be quantified until the season is over. However, there will be an increase in recreational fishery success, a more efficient commercial fishery, and reduced gear damage.

Additional Information: An RIA is not required and will not be prepared. An RFA is required. A Regulatory Impact Review and an Initial RFA is contained in the Atlantic Billfish and Sharks Preliminary Fishery Management Plan which is available. A Draft Environment Impact Assessment is also available.

Unit/Sub Unit: NOAA/NMFS

Title: Northwest Atlantic Foreign Fishing.

CFR: 50 CFR Part 611.50.

Legal Authority: Magnuson Fishery Conservation & Management Act (*16* USC 1801 *et seq.*).

Effects on Small Entities: No significant economic impact on U.S. small entities.

Agency Contact: Allen Peterson, Jr., NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm St., Gloucester, MA 01930 (617) 281–3600.

Timetable:

Action: Public Hearings NPRM Final Rule.

Date: Fall 1982, Winter 1982–83, Spring 1983.

FR Cite:

Abstract: The foreign fishing areas, seasons, and gear requirements need to be reassessed in light of expanding U.S. fishing operations and a change in the foreign fisheries.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review is being prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 4 to Fishery Management Plan for Bering Sea Groundfish: Implementing Regulations.

CFR: 50 CFR 611.93 and 673.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 U.S.C. 1801 et seq.)

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802 (907) 586–7221.

Timetable:

Action: NPRM Final Rule.

Date: Oct. 1982, Feb. 1983.

FR Cite:

Abstract: The problems being addressed are (1) natural fluctuations in biomass of fish stocks and (2) growing U.S. fishery. The amendments will raise quotas. The benefits are potential increased revenues to about 30 U.S. vessels of a total of about $12.3 million and payment to the United States of $100,000. No incremental costs will occur except the minor costs of the rulemaking.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is available. The existing FMP is available and the Amendment will be available in October, 1982.

Unit/Sub Unit: NOAA/NMFS

Title: Amendment No. 5 to the Bering Sea Goundfish Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Parts 611.93 & 673.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: No significant economic impact.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802 (907) 586–7221.

Timetable:

Action: NPRM Final Rule.

Date: Oct. 1982, Feb. 1983.

FR Cite:

Abstract: The problem being addressed is the incidental catch of chinook salmon by foreign fishermen. Alternatives considered were to do nothing or to be more restrictive. There will be a very minor economic benefit to chinook salmon fishermen in western Alaska as their salmon catches increase. The total increase in catch to be shared by a large number of U.S. fishermen is expected to be about $193,000/year with a slight adverse economic impact on foreign fishermen.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review/initial RFA and an Environmental Assessment are available. The amendment will be available October, 1982.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment to Preliminary Fishery Management Plan for the Hake Fisheries of the Northwestern Pacific: Implementing Regulations.

CFR: 50 CFR Part 611.53.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 U.S.C. 1801 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Allen E. Peterson, Jr., Director, Northeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm Street, Gloucester, MA 01930 (617) 281–3600.

Timetable:

Action: NPRM Final Rule.

Date: Nov. 1, 1982, Dec. 31, 1982.

FR Cite:

Abstract: The purpose of the Preliminary Fishery Management Plan (PMP) amendment and implementing regulations is to decrease silver hake optimum yield (OY) and the total

allowable level of foreign fishing (TALFF) in response to latest fishery data. The PMP only affects foreign fishing vessels, and does not impact upon U.S. fishing entities. The benefit of lowering the OY and TALFF is to set a harvest level which maintains a spawning stock of adequate size, and which protects the stock from any unforeseen increases in fishing effort. The alternative of taking no action was considered and rejected because the present OY migh allow undesirable reductions in spawning stock. No costs to industry are expected. The PMP regulations will be amended to incorporate a public comment period in the procedure for considering joint venture applications.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The existing PMP is available and the proposed amendment will be available in November 1982.

Unit/Sub Unit: NOAA/NMFS.

Title: 1983 Foreign Fishing Fees.

CFR: 50 CFR 611.22.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.).*

Effects on Small Entities: No significant economic impact on U.S. small entities.

Agency Contact: Susan Jelley, NMFS, NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW., Wash., DC. 20235, (202) 634–7432.

Timetable:

Action: NPRM (Permit Fees) Final Rule (Permit Fees) NPRM (Poundage Fees) Final Rule (Poundage Fees) ANPRM (Auction and/or Discounts).

Date: Sept. 3, 1982, Nov. 1982, Oct. 1982, Dec. 1982, Oct. 1982.

FR Cite: 47 FR 38947.

Abstract: The 1982 fees need to be revised in order that receipts from foreign fishing during 1983 will recover at least the foreign share of the costs of administering the Magnuson Act during fiscal year 1982. Comments are being solicited on the possibility of auctioning the fish allocations, and of offering discounted fees to those countries that aid the United States fishery development plans.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review for permit fees is available. A Regulatory Impact Review for poundage fees is being prepared and will be available in October 1982.

Unit/Sub Unit: NOAA/NMFS.

Title: Reef Fish Resources of the Gulf of Mexico Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 641.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Jack T. Brawner, Acting Dir., Southeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL 33702 (813) 893–3141.

Timetable:

Action: NPRM Final Rule.

Date: Oct. 1982, Jan. 1983.

FR Cite:

Abstract: Biological data indicate that there has been a substantial decline in reef fish stocks in the Gulf of Mexico. Contributing to this decline is overfishing in many areas of the Gulf of Mexico by recreational and commercial users. In addition, there is expanding competition between recreational and commercial users for a limited resource. The objectives are to rebuild the declining reef fish stocks whenever they occur within the fishery; establish a fishery reporting system for monitoring the reef fish fishery; conserve reef fish habitats and increase reef fish habitats in appropriate areas and provide protection for juveniles while protecting existing and new habitats; and minimize conflicts between user groups of the resource and conflicts for space. Benefits from the implementation of the plan over a 5-year period could reach a discounted maximum of $8 million for commercial fishermen and $23.2 million for recreational fishermen. Annual costs for development and implementation of the plan over a 5-year period are estimated at $393,315. The adopted measures would minimize the burden on the public and address the problems in the fishery in a cost-effective manner. However, the regulations will require small entities to be selective in size of fish taken and will prohibit the use of certain types within specific areas. The regulations will require some small entities to relocate their fishery areas. Net benefits will occur to the fishery because of the rebuilding of the resources.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared. A Regulatory Impact Review/initial RFA will be available in November 1982. A Draft Environmental Impact Statement is available. The Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico will be available.

Unit/Sub Unit: NOAA/NMFS.

Title: Coastal Migratory Pelagic Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 642.

Legal Authority: Magnuson Fishery Conservation and Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Jack T. Brawner, Acting Director, Southeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL. 33702 (812) 893–3141.

Timetable:

Action: NPRM Final rule.

Date: May 8, 1982, Nov. 1982.

FR Cite: 47 FR 21279.

Abstract: The fishery management plan (FMP) covers coastal pelagic resources located in the fishery conservation zone (FCZ) in the Gulf of Mexico and the South Atlantic. The species of primary interest are King mackerel, Spanish mackerel, and cobia. The purpose of the FMP and impementing regulations is to respond to gear conflicts between commercial fishermen and user conflicts between commercial and recreational fishermen. In addition, the rapid increase in effort in the King and Spanish mackerel fisheries could lead to overfishing. The FMP imposes mandatory reporting requirements on individual fishermen. Closure of segments of the fishery will adversely affect purse seine and gillnet fishermen, and possibly commercial hook and line fishermen. The prohibition of possession of Spanish mackerel of less than 12 inches will have a minimal effect on fishermen.

Additional Information: An RIA is not required and will not be prepared. An RFA, a Regulatory Impact Review, a draft Environmental Impact Statement, and the FMP are available.

Unit/Sub Unit: NOAA/NMFS.

Title: Fishery Management Plan for the Spiny Lobster Fishery in Puerto Rico & the Virgin Islands: Implementing Regulations.

CFR: 50 CFR Part 645.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.).*

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Jack T. Brawner, Acting Director, Southeast Region NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL 33702 (813) 893–3141.

Timetable:

Action: NPRM Final Rule.

Date: September 3, 1982. Not yet determined.

FR Cite: 47 FR 38948.

Abstract: A fishery management plan (FMP) and implementing regulations are needed to manage the spiny lobster resources of the Caribbean. Management measures will protect long-term yields, prevent depletion of the stocks, increase yields from the fishery, and acquire information necessary to better manage the fishery. The primary objective is to achieve optimum yields from a presently healthy fishery stock without encountering the problems of economic or biologic overfishing that have been known to occur in some other fisheries. The FMP imposes size limits which will cause an estimated loss in income during the first year of $228 per fisherman, and $117 per fisherman in the second year. Size limits in subsequent years are expected to improve landings in the third and subsequent years, resulting in $118 per fisherman increase in income. The prohibition of taking lobsters in certain areas may have minor supply and income effects on commercial and recreational harvesters which may be offset by aesthetic benefits to divers and research benefits to scientists. Additional reporting burdens will be placed on some fishermen.

Additional Information: An RIA is not required and will not be prepared. An RFA, a Regulatory Impact Review, an Environmental Impact Statement, and the proposed Fishery Management Plan are available.

Unit/Sub Unit: NOAA/NMFS.

Title: Snapper-Grouper Complex of the South Atlantic Region Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 646.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Jack Brawner, Acting Director, Southeast Region, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL 33702.

Timetable:

Action: Public Hearing, NPRM Final Rule.

Date: Aug. 31, Sept. 9, 1982, June 1983, Oct. 1983.

FR Cite: 47 FR 36001.

Abstract: A fishery management plan (FMP) is needed to prevent overfishing of snappers and groupers and to obtain information required for improved management of the fishery. The main objective is to prevent overfishing for all species in the complex. The FMP and implementing regulations will be designed to eliminate the growth of overfishing by prohibiting the use of fish traps shoreward of the 100 fathom line. Other measures include prohibiting the use of certain gear and prohibiting the use of poison and explosives.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: American Lobster Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 649.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Allen E. Peterson, Jr., Director, Northeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm St., Gloucester, MA 01930.

Timetable:

Action: FMP Adopted, NPRM Final Rule.

Date: Spring 1983, Spring 1983, Summer 1983.

FR Cite:

Abstract: The new fishery management Plan (FMP) would promote conservation of the American lobster and reduce the risk of a fishery collapse due to intensive exploitation in all coastal fisheries. The FMP would establish conservation measures for the offshore fishery, and encourage the States to adopt similar restrictions. The principal alternative is no Federal action and to leave lobster management to the States. Shore-term (1983) costs to industry are identified (approximately a 3% reduction in revenues); substantial long-term increases in resource productivity expected from establishing minimum size limit for lobsters retained in fishery. While fishery revenues may be redistributed among vessels, positive net economic benefits are expected in the long term through long-term increase in resource productivity.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared. A Regulatory Impact Review/initial RFA will be available in the Spring of 1983. A Draft Environmental Impact Statement and the FMP will be available in the Spring of 1983.

Unit/Sub Unit: NOAA/NMFS

Title: Atlantic Groundfish Interim Fishery Management Plan: Implementing Regulations

CFR: 50 CFR Part 651.

Legal Authority: Magnuson Fishery Conservation and Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Allen E. Peterson, Jr., Dir. Northeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm St., Gloucester, MA 01930 (617) 281-3600.

Timetable:

Action: NPRM Emergency Interim Rule, Interim Rule Extended, Final Rule.

Date: Mar. 11, 1982, Mar. 31, 1982, May 15, 1982, Oct. 1982.

FR Cite: 47 FR 10605, 47 FR 13357, 47 FR 20781.

Abstract The domestic fishery for cod, haddock, and yellowtail flounder, which occurs in the U.S. fishery conservation zone of the northwestern Atlantic, has been managed for the past 4 year under the Fishery Management Plan (FMP) for Atlantic Groundfish. The management program was designed to allocate groundfish among different vesssel classes over the fishing season. This program, however, has been viewed as too restrictive and inequitable by certain vessel classes. An Interim FMP has been published to govern the fishery until the old plan is revised. The Interim FMP will (1) protect concentrations of spawning cod, haddock, and yellowtail flounder (regulated species); (2) reduce the risk of recruitment overfishing of regulated species; and (3) permit the acquistion of reliable data on normal fishing patterns of the indusry and the biological attributes of the stocks as may be determined from commercial activities (in suport of the development of a future comprehensive FMP).

The Interim FMP impacts on approximately 1,000 fishing vessels and the affliated shore-side facilities that service these vessels. Elimination of the quota (95,000 mt) in the old Plan is expected to result in an increase in landings to 109,700 mt in 1982 and to 115,600 mt in 1983. Such increased landings can be expected to increase correspondingly gross revenues and lower prices at all market levels. In addition, elimination of trip limits and vessel class allocation measures reduces to zero the input costs associated with these regulations. An increase in minimum mesh size would increase the present value of gross revenues but would also result in an increase in short-run costs. The short-run impact of the increase in mesh size

could result in an estimated reduction in yield of between 6 and 16 percent in 1983.

Additional Information: An RIA is not required and will not be prepared. An RFA, and a Regulatory Impact Review, and an Environmental Impact Statement are available. The Interim FMP is available.

Unit/Sub Unit: NOAA/NMFS

Title: Withdrawal of Secretarial Approval of Fishery Management Plan for the Atlantic Herring Fishery of the Northeast Atlantic.

CFR: 50 CFR Part 653.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.).*

Effects on Small Entities: No significant economic impact.

Agency Contact: Allen E. Peterson, Director, Northeast Region, MNFS, NOAA, U.S. Dept. of Commerce, 14 Elm Street, Gloucester, MA 01930 (617) 291–3600.

Timetable:

Action: NPRM Final Rule.

Date: Sept. 1982, Nov. 1982.

FR Cite:

Abstract: Withdrawal of approval was necessitated by serious operational difficulties in implementing the Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic (FMP), which no longer met the national standards of the Magnuson Act. Erroneous assumptions made in the original FMP regarding State cooperation in implementing the management measures, and changed fishery circumstances rendered the FMP invalid and inoperative. The New England Fishery Management Council failed to take remedial action within a reasonable time. Alternatives considered included amending the FMP or withdrawing approval of selected parts. The action chosen was least costly alternative for resolving the management problems.

Repeal of the regulations implementing the FMP will not affect the operation of the fishery to any measurable degree. The annual quotas and area/period catch allocations under the regulations did not control or affect annual or seasonable levels of herring landings, the exvessel price of herring, or the income to fishermen or processors.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review is available.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 1 to the Stone Crab Fishery of the Gulf of Mexico Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 654.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: No significant economic impact.

Agency Contact: Jack T. Brawner, Acting Director, Southeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL 33702, (813) 893–3141.

Timetable:

Action: NPRM Final Rule.

Date: April 23, 1982, Oct. 1982.

FR Cite: 47 FR 17597.

Abstract: This amendment and implementing regulations would provide flexibility in amending regulations, modify reporting requirements and delete exceptions pertaining to live bait shrimping. The major benefits from this regulation are a reduction of the reporting burden for participants in the fishery, and protection of the stone crab stocks from lost or abandoned traps.

The amendment establishes a mechanism for changing the location and effective period of the line of separation for the use of trawl gear and stone crab gear. The amendment modifies the reporting burden and the deletion of the exception for live bait shrimping within the separation line. Neither of these changes in expected to have any impact on the fishery resources, or the physical or human environment. The amendment provides for the disposition of lost or abandoned non-wooden stone crab traps. Because most traps are made of wood, this measure will not have a significant impact.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review, an Environmental Assessment, and the existing Fishery Management Plan are available.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 7 to Tanner Crab Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 671.

Legal Authority: Magnuson Fishery Conservation and Mgmt. Act (16 USC 1801 *et seq.*).

Effects on Small Entities: The regulation will not affect a substantial number of small entities.

Agency Contact: Mr. Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802, (907) 586–7221.

Timetable:

Action: NPRM Final Rule.

Date: Sept. 3, 1981, Dec. 1982.

FR Cite: 46 FR 44203.

Abstract: Amendment No. 7 would eliminate the 16.5 million pounds of total allowable level of foreign fishery for *C. opilio*; reduce the optimum yield (OY) for *C. opilio* in the Bering Sea management area from 130 million pounds to equal the domestic annual harvest within a range of 39.5–91.0 million pounds; establish OYs for *C. bairdi* in the Chignik management area at 5.0 million pounds and in the South Peninsula management area at 6.0 million pounds; and increase the range OY for *C. bairdi* in the Bering Sea management area from 22.0–33.0 million pounds to 28.0–36.0 million pounds. Amendment No. 7 should increase harvest levels and abundance of *C. bairdi* tanner crab and harvest of the full acceptable biological catch of *C. opilio* in the Bering Sea by U.S. fishermen. The amendment focuses on the elimination of the *C. opilio* total allowable level of foreign fishing. The only substantial economic impact will be on foreign fishery fleets.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. Proposed Amendment No. 7 is available.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 8 to Tanner Crab Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 671.

Legal Authority: Magnuson Fishery Conservation and Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: No significant economic impact.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802, (907) 586–7221.

Timetable:

Action: NPRM Final Rule.

Date: March 1983, Aug. 1983.

FR Cite:

Abstract: Amendment No. 8 to the Tanner Crab Fishery Management Plan (FMP) would establish a minimum harvest size of 3.2 inches for *C. opilio* (the standard industry practice); remove the FMP's provision for storing pots on fishing grounds 72 hours before the fishing season opens (a minor adverse economic impact offset by more effective enforcement); and set the optimum yields (OYs) for *C. bairdi* at 14 million pounds in the Bering Sea District and 13.4 million pounds in the Kodiak District, and set the OY for *C. opilio* in the Bering Sea District equal to the domestic annual harvest—this would make these OYs consistent with the State of Alaska harvest guidelines (the current standard industry practice) to more accurately reflect current stock

assessments. The amendment represents a technical adjustment necessary to update the FMP and more accurately reflect current management practices by the State of Alaska. No new economic burdens would be imposed on U.S. fishermen. Any impacts will be minor and potential benefits significantly outweigh adverse impacts.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: High Seas Salmon Fishery Management Plan Regulatory Amendment to Clarify Closure Authority of the Secretary: Implementing Regulations.

CFR: 50 CFR Part 674.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: No significant economic impact.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802 (907) 586–7221.

Timetable:

Action: NPRM Final Rule.

Date: Aug. 6, 1982, Nov. 1982.

FR Cite: 47 FR 34167.

Abstract: This amendment to the High Seas Salmon Fishery Management Plan and implementing regulations would clarify the authority of the Secretary, as delegated to the Alaska Regional Director, NMFS, to close the high seas salmon fishery at any harvest level within the chinook salmon optimum yield range that he determines to be necessary for the conservation and management of chinook salmon.

The reduction in catch proposed for 1982 would be evenly distributed over approximately 965 power trollers and 2,137 hand trollers. Reductions in revenues would be insignificant-estimated between $465 and $537 per power troller and $33 and $38 per hand troller in 1982.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review/initial RFA is available.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 3 to the High Seas Salmon Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 674.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802, (907) 586–7221.

Timetable:

Action: NPRM Final Rule.

Date: March 1983, May 1983.

FR Cite:

Abstract: Amendment No. 3 and implementing regulations to the High Seas Salmon Fishery Management Plans (FMP) may be needed to prevent depletion of the stocks by overfishing if naturally spawning stocks of southeast Alaska and Pacific Northwest chinook salmon are depressed. Reducing the optimum yield (OY) could contribute to resolution of the problem; alternatively reducing the harvest level within the current OY range may be adequate to address the problem. Adjustment of fishing season dates may also be appropriate. Adjustment of OY levels or the fishing season would impact over 3,000 commercial salmon trollers. Adverse impacts could include lower catch/revenues or increase competition for available catch. It is unknown at this time whether Amendment No. 3 is necessary.

Additional Information: A RIA is not required and will not be prepared. A RFA is required and is being prepared. A Regulatory Impact Review/initial RFA will be available in the Spring of 1983.

Unit/Sub Unit: NOAA/NMFS.

Title: King Crab (Bering Sea/Aleutian Islands) Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 676.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 et seq.).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802 (907) 586–7221).

Timetable:

Action: NPRM Final Rule.

Date: Nov. 1982, April 1983.

FR Cite:

Abstract: This fishery management plan (FMP) and implementing regulations seek to ensure effective conservation and management of King Crab stocks in the Bering Sea and Aleutian Islands area while providing continued active participation of the State of Alaska in management of these fisheries. Non-resident Alaskan fishermen will have more effective input to fishery management. There is a need for enforcement of sex and minimum size limits to prevent overharvesting the King Crab optimum yield, and to prevent harvesting of females and under-sized crab.

The regulation protects smaller vessels that compete with larger vessels in their ability to move between fishing areas. Regulatory measures also ensure equitable representation of all components of the harvesting sector. Alternative measures under the FMP could have a significant impact on small entities.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and a Regulatory Impact Review/initial RFA wil be available in the winter of 1982–1983. A Draft Environmental Impact Statement is available as well as the FMP for the Bering Sea/Aleutian Island King Crab fishery.

Unit/Sub Unit: NOAA/NMFS.

Title: Spiny Lobster Fishery Management Plan for the Western Pacific: Implementing Regulations.

CFR: 50 CFR Part 681.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 et seq.).

Effects on Small Entities: Regulations will not affect a substantial number of small entities.

Agency Contact: Alan W. Ford, Dir., Southwest Region, NMFS, NOAA, U.S. Dept. of Commerce, 300 S. Ferry Street, Terminal Island, CA 90731 (213) 548–2575.

Timetable:

Action: NPRM Final Rule.

Date: June 30, 1982, Nov. 1982.

FR Cite: 47 FR 28430.

Abstract: This fishery management plan and implementing regulations would establish size limits for retention of lobster, close certain areas to lobster fishing to protect endangered species, prescribe legal gear, and establish reporting requirements. The fishery has never had more than six firms operating in it and no more than nine are anticipated. The present discount value of benefits for the next 10 years is $6 million. Federal costs are estimated at $21,000/year.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review, Environmental Impact Statement, and the proposed Fishery Management Plan are available.

Unit/Sub Unit: NOAA/NMFS.

Title: Coral & Coral Reefs Fishery Management Plan in the Gulf of Mexico & the South Atlantic: Implementing Regulations.

CFR:

Legal Authority: Magnuson Fishery Conservation & Managment Act (16 USC 1801).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Jack T. Brawner, Acting Director, Southeast Region NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd. St. Petersburg, FL 33702 (813) 983–3141.

Timetable:

Action: NPRM Final Rule.

Date: Dec. 1982, May 1983.

FR Cite:

Abstract: Regulation is needed to control the potential harvest of coral/coral reefs in the Gulf of Mexico and the South Atlantic Ocean. Although the present harvest is at a very low level, rapid increases in effort could lead to extensive destruction of the corals. The objective is to develop more and better data and to optimize benefits generated from the coral resource while conserving the coral and coral reefs. Certain types of gear will be prohibited and fishing will be restricted in certain areas, with a consequent adverse economic impact on small entities. Benefits will accrue through the conservation of the coral and coral reefs which are important habitats sustaining spiny lobsters, snappers, groupers and other fishes.

Additional Information: An RIA is not required and will not be prepared. An RFA is required. A Regulatory Impact Review/initial RFA will be available in December 1982. A Draft Environmental Impact Statement and a Fishery Management Plan for Coral and Coral Reefs in the Gulf of Mexico and the South Atlantic will also be available in December 1982.

Unit/Sub Unit: NOAA/NMFS.

Title: Halibut Moratorium.

CFR:

Legal Authority: Northern Pacific Halibut Act of 1982 (16 USC 773 *et seq.*).

Effects on Small Entities: Not yet determined.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802 (907) 586–7221.

Timetable:

Action: NPRM Final Rule.

Date: Jan. 1983, April 1983.

FR Cite:

Abstract: These regulations would prohibit the landing and sale of halibut if a vessel owner had not landed and sold halibut between 1978 and 1982. The purpose of these regulations is to preserve halibut.

Additional Information: A RIA is not required and will not be prepared. It has not been determined whether an RFA is required. A Regulatory Impact Review/initial RFA is being prepared and will be available January 1983.

Unit/Sub Unit: NOAA/NMFS

Title: Civil Procedures.

CFR: 15 CFR Part 904.

Legal Authority: Magnuson Fishery Conservation & Management Act (15 USC 1801 *et seq.*); Halibut Act Amendments of 1982 (16 USC 773–773).

Effects on Small Entities: No significant economic impact.

Agency Contact: Patricia Kraniotis, Acting Assistant General Counsel for Enforcement & Litigation, NOAA, U.S. Dept. of Commerce, 2601 Wisconsin Ave., NW., Wash., D.C. 20235 (202) 254–8350.

Timetable:

Action: Interim Rule NPRM Final Rule.

Date: Dec. 18, 1981, Sept. 1983, Jan. 1984.

FR Cite: 46 FR 61643.

Abstract: The existing regulations (15 CFR Part 904) provide uniform procedures for enforcement and civil proceedings under the various fishery and marine resource statutes administered by NOAA. The regulations are being revised to consolidate all aspects of NOAA's civil process which can be uniformly treated. The revised regulations will provide uniform permit processing procedures and sanction procedures; means of addressing the respondent's ability to pay in civil penalty proceedings; procedures for issuance and appeal of written warnings for violations of law; and procedures for selling seized perishable fish. The revisions will clarify for the public the procedures which NOAA follows in carrying out its enforcement responsibilities. The amendments thus are beneficial rather than burdensome to the public. These procedural regulations will not increase costs to the public or local governments. Nor will they have a significant adverse effect on competition, employment or industry. The alternative of not further consolidating the procedures was considered and rejected. There is no alternative to making the updating and housekeeping portions of the amendments.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS

Title: Designated Critical Habitat: Designation of Critical Habitat for the Hawaiian Monk Seal.

CFR: 50 CFR Subpart 226B.

Legal Authority: Endangered Species Act of 1973 (16 USC 1531 *et seq.*).

Effects on Small Entities: Not determined.

Agency Contact: Alan W. Ford, Director, Southwest Region, NMFS, NOAA, U.S. Dept. of Commerce, 300 S. Ferry St., Terminal Island, Calif. 90731 (213) 548–2575.

Timetable:

Action: NPRM Final Rule.

Date: Not yet determined.

FR Cite:

Abstract: Designation of Critical Habitat is conducted pursuant to the Endangered Species Act of 1973, as amended. Critical Habitat is that area within (or outside) the geographic range of the animal wherein are found those physical and/or biological features essential for the conservation of the species and which may require special management considerations. The objective is to protect the Hawaiian Monk Seal.

Additional Information: A draft Environmental Impact Statement is available for public review. A Final Recovery Plan discussing and recommending areas to be designated as the critical habitat is being prepared and will be available at a date not yet determined. The proposed rules will be based in part on the recommendations made in the Final Recovery Plan. Required determinations under Executive Order 12291 and the Regulatory Flexibility Act will be made when the critical habitat is proposed.

Unit/Sub Unit: NOAA/NMFS.

Title: Whaling.

CFR: 50 CFR Part 351.

Legal Authority: Whaling Convention Act (16 U.S.C. 916 *et seq.*).

Effects on Small Entities: No U.S. small entities will be affected by the regulations.

Agency Contact: Mr. Richard B. Roe, Acting Director, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7461.

Timetable:

Action: NPRM Final Rule.

Date: Not yet determined. Dec. 1982.

FR Cite:

Abstract: The Whaling Convention Act requires that the Schedule of the International Convention for the Regulation of Whaling, 1946, be published in the Federal Register by the Secretary of Commerce to become effective with respect to all persons and vessels subject to the jurisdiction of the United States in accordance with terms of such regulations. These regulations are revised annually in accordance with the most recent amendments to the Schedule of the International Convention for the Regulation of Whaling.

These regulations relate to commercial whaling, which is currently prohibited for all persons and vessels

subject to United States jurisdiction with the exception of subsistence whaling which is the subject of a separate rulemaking. Therefore, they will have no impact on any U.S. entities.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. These regulations are exempt from National Environmental Policy Act environmental document requirements, since they consitute a programmatic function with no potential for significant environmental impact.

Unit/Sub Unit: NOAA/NMFS.

Title: Fisheries Obligation Guarantee Program.

CFR: 50 CFR Part 255.

Legal Authority: Title XI of the Merchant Marine Act (46 U.S.C. 1271 *et seq.*) which was amended by the American Fisheries Promotion Act of 1980.

Effects on Small Entities: No significant economic impact is expected.

Agency Contact: James D. Meehan, Ofc. of Utilization & Dev., NMFS, NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., N.W., Wash., D.C. 20235, (202) 634–7496.

Timetable:

Action: NPRM Final Rule.

Date: Aug. 8, 1982, Nov. 1982.

FR Cite: 47 FR 33648.

Abstract: The American Fisheries Promotion Act extended the benefits of the Fishing Vessel Obligation Guarantee Program to newly constructed shoreside facilities as well as used vessels or shoreside facilities involved in underutilized or developing fisheries. The existing regulations are being revised to employ a less stringent economic soundness criteria for vessels or facilities operated in underutilized fisheries. The revised regulations are designed to stimulate the development of new fisheries by making long term financing available and by providing a U.S. Government guarantee of repayment of the debt portion of vessel or shoreside facility construction, reconstruction, reconditioning or purchasing costs where there is insufficient economic information to assess the prospects for commercial success.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/OCZM.

Title: General Regulations for the National Estuarine Sanctuary Program.

CFR: 15 CFR Part 921.

Legal Authority: Section 315 of the Coastal Zone Management Act of 1972 (16 USC 1456).

Effects on Small Entities: No significant economic impact.

Agency Contact: Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Mgmt., NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW., Wash., D.C. 20235 (202) 634–4236.

Timetable:

Action: NPRM Public Comment Period Ends Final Rule.

Date: Nov. 1982, Jan. 1983, March 1983.

FR Cite:

Abstract: The proposed regulations revise existing procedures for selecting potential estuarine sanctuaries. Site identification and selection is to be based on a revised biogeographic classification scheme and typology of estuarine areas. The regulations place a greater emphasis on management planning early in the process of evaluating a potential site. The regulations reflect a progression from the initial identification of a site, through the designation process, and continued implementation.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The regulatory Flexibility Act does not apply because the regulations affect only Federal agency actions.

Unit/Sub Unit: NOAA/OCZM.

Title: General Regulations for the National Marine Sanctuary Program.

CFR: 15 CFR Part 922.

Legal Authority: Title III of the Marine Protection, Research & Sanctuaries Act (16 USC 1431–1434).

Effects on Small Entities: No significant economic impact.

Agency Contact: Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Mgmt., NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW, Wash., DC. 20235 (202) 634–4236.

Timetable:

Action: NPRM Public Comment Period Ends Final Rule.

Date: Sept. 7, 1982, Nov. 5, 1982, Jan. 1983.

FR Cite: 47 FR 39191.

Abstract: These proposed regulations revise existion procedures for identifying and selection potential marine sanctuary candidates, as well as designating these sites as national marine sanctuaries. The regulations reflect a management-oriented approach to protecting special marine areas. They reflect the refinements and programmatic policies outlined in the Program Development Plan for the National Marine Sanctuary Program (January 1982).

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations effect only Federal agency actions.

Unit/Sub Unit: NOAA/OCZM.

Title: Regulations for Proposed La Parguera/Mona & Monito Islands Puerto Rico National Marine Sanctuary.

CFR: 15 CFR Part 929.

Legal Authority: Title III of the Marine Protection, Research & Sanctuaries Act (16 USC 1431–1434).

Effects on Small Entities: No Significant economic impact.

Agency Contact: Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW., Washington, DC. 20235 (202) 634–4236.

Timetable:

Action: NPRM Public Comment Period Ends Final Rule.

Date: Nov. 1982, Jan. 1983, March 1983,

FR Cite:

Abstract: These regulations will protect the ecological, recreational, and aesthetic resources of the waters off La Parguera and the waters surrounding the Mona and Monito Islands, Puerto Rico If this area is designated as a national marine sanctuary.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/OCZM.

Title: Regulations for the Key Largo Coral Reef National Marine Sanctuary.

CFR: 15 CFR Part 929.

Legal Authority: Title III of the Marine Protection, Research & Sanctuaries Act (16 USC 1431 1434).

Effects on Small Entities: No significant economic impact.

Agency Contact: Dr. Nancy Foster, Deputy Director, Sanctuary Program Office, Office of Coastal Zone Mgmt. NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW., Wash., DC. 20235 (202) 834–4236.

Timetable:

Action: Interim Rule NPRM Final Rule.

Date: Jan. 16, 1976, Sept. 1982, Dec. 1982.

FR Cite: 47 FR 2379.

Abstract: The regulations will replace and update interim regulations to protect ecological, recreational, and aesthetic resources of the Key Largo National Marine Sanctuary.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/OCZM.

Title: Federal Consistency with Approved Coastal Zone Management Programs: Definition of the Term: "Directly Affecting" in Section 307(c)(1) of the Coastal Zone Management Act.

CFR: 15 CFR Part 930.

Legal Authority: Coastal Zone Management Act of 1972 (16 USC 1456).

Effects on Small Entities: No significant economic impact:

Agency Contact: JoAnn Chandler, Director, Policy, Evaluation & External Relations, Office of Coastal Zone Mgmt., NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., Wash., D.C. 20235 (202) 634–4245.

Timetable:

Action: NPRM Final Rule NPRM (to withdrawal Rule) Final Rule (withdrawal) Notice Confirming Withdrawal.

Date: May 14, 1982, July 8, 1981, Oct. 16, 1981, Jan. 29, 1982, May 11, 1982.

FR Cite: 46 FR 26658, 46 FR 35253, 46 FR 50937, 46 FR 4231, 47 FR 2011.

Abstract: Section 307(c)(1) of the Coastal Zone Management Act (CZMA) provides that Federal activities "directly affecting the coastal zone" of a State with a Federally-approved coastal zone management program must be consistent with that program to the maximum extent practicable. The definition of "directly affecting" has been the subject of long-standing controversy both among Federal agencies and between the Federal agencies and the coastal states. The coastal states' interpretation has generally been broader than that of the Federal agencies, although, until 1981, the Department of Commerce supported the states' position.

The definition was the subject of an opinion from the Department of Justice in April 1979, a Secretarial mediation that concluded without resolving the issues in 1980, and an extensive interagency review in early 1981 under the guidance of the Office of Management and Budget. A final rule, issued July 8, 1981, defined a Federal activity narrowly as "directly affecting the coastal zone" if the Federal agency finds that the conduct of the activity itself produces a measurable physical alteration in the coastal zone or if the activity initiates a chain of events reasonably certain to result in such alteration, without further required agency approval. "Direct effects" did not include effects identified by the Federal agency as uncertain, speculative or remote.

In May 1981, California filed a lawsuit seeking to enjoin the Department of the Interior from leasing certain tracts offshore California on the grounds among others that the activity directly affected the California coastal zone and a consistency determination was required. The District Court's opinion, issued in August 1981, held that the lease sale directly affected the coastal zone and in other respects adopted California's interpretation of the CZMA. The broad definition of "directly affecting" was affirmed by the Ninth Circuit August 12, 1982. A petition for rehearing has been filed by California on other aspects of the litigation. Following the decision on rehearing, the parties must decide whether to seek review by the Supreme Court.

NOAA's narrow definition of the term in the rules issued in July 1981 was subsequently withdrawn. Following publication of the final regulations, but before they became effective, NOAA had received comments of concern from State governments and members of Congress assigned to Committees that have oversight responsibilities with respect to the CZMA. Congressional resolutions expressing disapproval of the final regulations were introduced in both the House and Senate. The regulations were withdrawn on April 27, 1982. New regulations will be proposed when the outcome of the litigation is final.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply to these regulations because they affect only Federal agency actions.

Unit/Sub Unit: NOAA/OCZM.

Title: Federal Consistency with Aproved Coastal Management Programs: Implementations of Sections 307(c) (1), (2) and (3) and 307(d) of the Coastal Zone Management Act (CZMA) and Coastal Energy Impact Program Administrative Procedures: Implementation of Section 308 of the CZMA.

CFR: 15 CFR 930 and 931.

Legal Authority: Coastal Zone Management Act of 1972 (16 USC 1456); Executive Order 12372; Recission of OMB Circular A–95.

Effects on Small Entities: No significant economic impact.

Agency Contact: Roberta Miller, Policy Analyst Officer of Coastal Zone Mgmt., NOAA, U.S. Dept. of Commerce, 3300 Whiteheaven St., NW., Wash., D.C. 20235 (202) 634–4249.

Timetable:

Action: NPRM Final Rule.

Date: Feb. 1983, April 1983.

FR Cite:

Abstract: Under existing regulations, applications for financial assistance for public facilities and Services and for other construction projects under the Coastal Energy Impact Program are subject to the Project Notification and Review System established by the now-rescinded OMB Circular A–95. The existing regulations also encourage Federal agencies undertaking actions that are likely to significantly affect the coastal zone to notify state coastal zone agencies using the A–95 process. State agencies are encouraged by the regulations to use the A–95 process to monitor Federal agency activities. These regulations will be revised to conform to the provisions of Executive Order 12372 and departmental regulations to be promulgated under that Order.

Additional Information: Neither and RIA nor an RFA is required or will be prepared. Because the regulations concern the actions of state and Federal agencies only, they are not subject to the provisions of the Regulatory Flexibility Act.

Unit/Sub Unit: NOAA/OME.

Title: Deep Seabed Mining Regulations for Commerical Recovery Permits.

CFR: 15 CFR Part 971.

Legal Authority: Deep Seabed Hard Mineral Resources Act (30 USC 1401 *et seq.).*

Effects on Small Entities: No significant economic impact.

Agency Contact: Laurence J. Aurbach, Office of Ocean Minerals and Energy, NOAA, U.S. Dept. of Commerce, 2001 Wisconsin Ave., NW., Wash., DC. 20235 (202) 653–8257.

Timetable:

Action: ANFRM NPRM Pub. Hearing Final Rule.

Date: June 1983, Dec. 1983, Feb. 1983, Sept. 1983.

FR Cite:

Abstract: Under 15 CFR 970, prospective deep seabed miners may apply to NOAA for the exploration license needed to explore the deep seabed for manganese nodules. Under the new regulations, prospective miners will be able to apply to NOAA for a permit to commercially recover and process nodules to obtain strategic metals (nickle, copper, cobalt, manganese). These permits would provide security of tenure for applicants with respect to other U.S. citizens and other nations' permittees in accordance with applicable international agreements. Fees for securing and maintaining a permit will be based on the Government's processing costs. These fees would be an inconsequential portion of the cost of a commercial recovery operation. The cost of a commercial recovery operation is expected to exceed one billion dollars. Alternatives to the regulations would require amending the Deep Seabed Hard Mineral Resources Act, which would be considered in the context of the U.S. law of the sea policy.

Additional Information: The RIA and RFA prepared for the exploration license regulations will be reviewed and reaffirmed or supplemented as need to cover new issues raised by the commercial recovery permit regulations. It is expected that small entities will not be permittees. Rather some small entities are expected to be contractors or subcontractors to permittees. The RIA and RFA are available contact, as are the programmatic Environmental Impact Statement and supporting guidance document on seabed mining using currently foreseeable technology.

Non-Priority Current and Projected Rulemakings

Unit/Sub Unit: NOAA/NMFS.
Title: Guidelines for Development of Fishery Management Plans: Content and Format.
CFR: 50 CFR Parts 602.3 and 602.4.
Legal Authority: Section 301 of the Magnuson Fishery Management and Conservation Act (16 USC 1851).
Effects on Small Entities: No significant economic impact.
Agency Contact: Daphne White Office of Resource Conservation and Mgmt., NMFS, NO, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7218.
Timetable:
Action: NPRM Final Rule.
Date: Not yet determined.
FR Cite:
Abstract: Revised guidelines for development of fishery management plans are needed to conform with new legislation and administration regulatory policy with regard to standards, procedures, content, and format. These guidelines will not have a direct regulatory impact on the fishing industry or entities participating in the industry.
Additional Information: Neither an RIA nor an RFA is required or will be prepared.
Unit/Sub Unit: NOAA/NMFS.
Title: Fishery Conservation and Management: Confidentiality of Statistics.
CFR: 50 CFR Part 603.
Legal Authority: Magnuson Fishery Conservation and Management Act (16 USC 1361 et seq.).
Effects on Small Entities: Not applicable.
Agency Contact: B. G. Thompson, Resource Statistics Division, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7366.
Timetable:
Action: NPRM Interim Rule, Final Rule.
Date: Jan. 9, 1978, Dec. 7, 1979, Dec. 1982.
FR Cite: 43 FR 1460, 44 FR 237.
Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.
Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.
Unit/Sub Unit: NOAA/NMFS.
Title: Treatment of Prohibited Species.
CFR: 50 CFR Part 611.
Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 et seq.)
Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.
Agency Contact: Dr. Roland Smith, NMFS, NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St, NW., Wash., DC. 20235 (202) 634–7449.
Timetable:
Action: ANPRM.
Date: Spring 1983.
FR Cite:
Abstract: Foreign and domestic fishermen are presently required to discard all prohibited species caught incidentally with permitted fish. This includes fish caught by U.S. fishermen and delivered to foreign processors at sea ("joint ventures"). Fish that are frequently already dead must be discarded. Obviously, this is wasteful. Alternative ways of minimizing the bycatch of prohibited species are being considered. If dead prohibited species are allowed to be kept, fishing vessels will experience a substantial increase in revenues.
Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared.
Unit/Sub Unit: NOAA/NMFS.
Title: General Foreign Fishing.
CFR: 50 CFR 611.1–611.50.
Legal Authority: Magnuson Fishery Conservation & Mgmt. Act (16 USC 1801 et seq.).
Effects on Small Entities: No significant economic impact.
Agency Contact: Susan Jelley, NMFS, NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW., Wash., DC. 20235 (202) 634–7432.
Timetable:
Action: NPRM Final Rule.
Date: Nov. 1982, Spring 1983.
Abstract: The regulations which govern foreign fishing in the U.S. fishery conservation zone will be simplified and some reporting requirements will be standardized on a nation-wide basis. Revised regulations should be easier to understand and enforce.
Additional Information: Neither an RIA nor an RFA is required or will be prepared.
Unit/Sub Unit: NOAA/NMFS.
Title: Preemption of State Authority under Section 306(b) of the Magnuson Fishery Conservation & Management Act.
CFR: 50 CFR Part 619.
Legal Authority: Section 301 of the Magnuson Fishery Conservation & Management Act (16 USC 1856(b)).
Effects on Small Entities: No significant economic impact.
Agency Contact: Frederick D. Kyle, Office of General Counsel, NMFS, NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW., Wash., DC. 20235 (202) 634–4224.
Timetable:
Action: Interim Rule Final Rule.
Date: March 22, 1982, Nov. 15, 1982.
FR Cite: 47 FR 12181.
Abstract: The regulations interpret certain statutory terms applicable to, and establish procedures governing, formal adjudicatory hearings to be held before the Secretary of Commerce can apply Federal fishery regulations to certain waters within State boundaries.
Section 306(b) of the Magnuson Fishery Conservation and Management Act authorizes the Secretary of Commere to regulate a fishery within State boundaries in certain circumstances. Before the Secretary is authorized to do so, he must make certain findings after providing an opportunity for a formal adjudicatory hearing. The regulations apprise affected parties of the procedures to be followed at such a hearing and also of the types of information to be scrutinized that is relevant to the findings to be made.
Additional Information: Neither an RIA nor an RFA is required or will be prepared.
Unit/Sub Unit: NOAA/NMFS.
Title: Endangered Species: General Permit Procedures.
CFR: 50 CFR Subparts 220A,B, C&D.
Legal Authority: Endangered Species Act (16 USC 1531 et seq.).
Effects on Small Entities: No significant economic impact.
Agency Contact: Patricia Montanio, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7529.
Timetable:
Action: NPRM.
Date: Aug. 1983
FR Cite:

Abstract: These regulations outline procedures for obtaining a permit under the Endangered Species Act of 1973. These regulations will be substantially revised or deleted depending on the final rule promulgated consolidating and standardizing NOAA's Scientific Research and Public Display Permit Regulations (50 CFR Part 223).

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Endangered Species: Interagency Cooperation.

CFR: 50 CFR Part 402.

Legal Authority: Endangered Species Act of 1973 (16 USC 1531 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Charles Karnella, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7471.

Timetable:

Action: NPRM Final rule.

Date: Not yet determined.

FR Cite:

Abstract: The regulations will update existing regulations pursuant to the 1978, 1979 and 1982 amendments to the Endangered Species Act. The revisions will explain, organize, and simplify the consultation process required by Section 7 of the Act, and will be published jointly with the U.S. Fish and Wildlife Service.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review is available. The Department of the Interior, as lead agency in the development of the proposed revision, has prepared a Draft Environmental Assessment which is available. A determination will be made as to whether this is a major Federal action significantly affecting the quality of the human environment within the meaning of § 102(2)(C) of the National Environmental Policy Act of 1969. These regulations simply specify how the requirements of Section 7 of the Act should be met prior to the undertaking of any Federal action.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products Thereof, & Certain Other Processed Food Products: U.S. Standards for Grades of Fish Steaks.

CFR: 50 CFR Subpart 262A.

Legal Authority: Agricultural Marketing Act of 1946 (7 USC 1621–1630).

Effects on Small Entities: No significant economic impact.

Agency Contact: James R. Brooker, Seafood Research, Inspection & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7458.

Timetable:

Action: Interim Rule Pub. Comments Final Rule.

Date: Nov. 1982, Winter 1983, Spring 1983.

FR Cite:

Abstract: The interim rule would establish a voluntary standards system to classify fish steaks by quality into four categories—U.S. Grade A, B, C, and Substandard. The objective is to facilitate trade in fish steaks classified by quality thereby benefiting the consumer and the industry. The standards would be used in a voluntary program of fishery products inspection and certification by NMFS. The total value of the industry product in 1981 was $19 million. Industry has expressed a high level of interest in and support for the voluntary standards.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products Thereof, & Certain Other Processed Products: U.S. Standards for Grades of Fish Fillets.

CFR: 50 CFR Subparts 263A, B, C, D, & E.

Legal Authority: Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1630).

Effects on Small Entities: No significant economic impact.

Agency Contact: James R. Brooker, Seafood Research, Inspection, & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7458.

Timetable:

Action: NPRM.

Date: 1984.

FR Cite:

Abstract: This revision would amend 50 CFR Subpart 263A and delete 50 CFR Parts 263A, B, C & D. The revision will simplify the voluntary standards for the inspection/grading of fish fillets by industry and Government inspection personnel by incorporating general criteria for the standards.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Thereof, & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom (Grades of Frozen Fried Fish Portions).

CFR: 50 CFR Subpart 264G.

Legal Authority: Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1630).

Effects of Small Entities: No significant economic impact.

Agency Contact: James R. Brooker, Seafood Research, Inspection, & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7458.

Timetable:

Action: NPRM.

Date: Spring 1983.

FR Cite:

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products & Certain Other Processed Food Products: Standards for Grades of Crustacean Shellfish Products (Frozen Raw Headless Shrimp).

CFR: 50 CFR Subpart 265A.

Legal Authority: Agricultural Marketing Act of 1946 (7 USC 1621–1630).

Effects on Small Entities: No significant economic impact.

Agency Contact: James R. Brooker, Seafood Research Inspection, & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7458.

Timetable:

Action: Interim Rule, Final Rule.

Date: May 20, 1982, Jan. 1983.

FR Cite: 47 FR 21840.

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into four categories—U.S. Grades A, B, C and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown

great interest in and support for the standards.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Public Display of Fur Seals: Pribilof Islands.

CFR: 50 CFR Subpart 215B.

Legal Authority: Fur Seal Act of 1966 (16 USC 1151 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Patricia Montanio, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–20235.

Timetable:

Action: NPRM.

Date: Aug. 1983.

FR Cite:

Abstract: The existing regulations outline procedures for the submission of applications and the issuance of permits for public display of Fur Seals under the Fur Seal Act. These regulations will be substantially revised or deleted depending on the final rule promulgated consolidating and standardizing NOAA's Scientific Research and Public Display Permit Regulations (50 CFR Part 223).

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Scientific Research & Public Display Permit Regulations.

CFR: 50 CFR Part 223.

Legal Authority: Fur Seal Act of 1966 (16 USC 1151 *et seq.*); Endangered Species Act of 1973 (16 USC 1531 et seq.).

Effects on Small Entities: No significant economic impact is expected on a substantial number of small entities.

Agency Contact: R. B. Brumsted, Acting Deputy Director, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7529.

Timetable:

Action: NPRM Final Rule.

Date: Aug. 1983, Nov. 1983.

FR Cite:

Abstract: Simplication and consolidation of regulations for the issuance of public display permits under the Fur Seal Act of 1966, public display and scientific research permits under the Marine Mammal Protection Act of 1972, and permits for endangered species under the Endangered Species Act of 1973. The proposed regulation will standardize permit procedures under the three Acts and eliminate duplicative regulations.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review is being prepared.

Unit/Sub Unit: NOAA/NMFS

Title: Regulations Governing The Taking & Importing Of Marine Mammals: Taking by State & Local Government Officials.

CFR: 50 CFR Part 216.22

Legal Authority: Marine Mammal Protection Act of 1972 (16 USC 1361 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Thomas McIntyre, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7529.

Timetable:

Action: NPRM.

Date: March 1983.

FR Cite:

Abstract: The regulations are being revised to clarify responsibilities with regard to beached and stranded marine mammals, and provide authority to MNFS Regional Directors to develop programs to manage these animals in cooperation with State and local government officials.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking & Importing of Marine Mammals: Special Exceptions.

CFR: 50 CFR Subpart 216D.

Legal Authority: Marine Mammal Protection Act of 1972 (16 USC 1361 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Patricia Montanio, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Washington, D.C. 20235, (202) 634–7529.

Timetable:

Action: NPRM.

Date: Aug. 1983.

Abstract: The existing regulations outline procedures for the submission of applications and the issuance of permits for public display and scientific research under the Marine Mammal Protection Act of 1972. These regulations will be substantially revised or deleted depending on the final rule promulgated consolidating and standardizing NOAA's Scientific Research and Public Display Permit Regulations (50 CFR Part 223).

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing The Taking & Importing Marine Mammals: Transfer of Management Authority to the States.

CFR: 50 CFR Subpart 216H.

Legal Authority: Marine Mammal Protection Act of 1972 (16 USC 1361 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Georgia Cranmore, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–1792.

Timetable:

Action: NPRM Public Comment Period Ended Final Rule.

Date: May 12, 1982, July 12, 1982, Jan. 1983.

FR Cite: 47 FR 20496.

Abstract: The proposed regulations establish procedures for the transfer of marine mammal management authority back to the states, the form and minimum requirements of a state application for the transfer of management authority, the relationship between Federal and state wildlife agencies both prior and subsequent to the transfer of management authority, and the revocation and return to NOAA of management authority once transferred to the states. The regulations will implement recent amendments to the Marine Mammal Protection Act, and will assist in return of marine mammal management to the states.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The proposed rule would not be a major Federal action significantly affecting the quality of the human environment within the meaning of § 102(2)(C) of the National Environmental Policy Act of 1968. An Environmental Assessment is available.

Unit/Sub Unit: NOAA/NMFS.

Title: Marking Requirements for the Importation, Exportation, & Interstate Transportation of Fish or Wildlife.

CFR: 50 CFR 14.81 et seq.

Legal Authority: Lacey Act Amendments of 1981 (16 USC 3371–3375).

Effects on Small Entities: No significant economic impact.

Agency Contact: Alan F. Mager, Enforcement Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7265.

Timetable:

Action: NPRM.

Date: Not yet determined.

FR Cite:

Abstract: These regulations will enable NOAA to monitor interstate and

foreign commerce in fish and fishery products, for the purpose of detecting violations of Federal, state and foreign laws. Regulations will conform to current industry practices.

Additional Information: The regulations will be issued jointly with the Department of the Interior. Neither an RIA nor an RFA is required.

Unit/Sub Unit: NOAA/NMFS.

Title: Financial Aid Program Procedures.

CFR: 50 CFR Part 251.

Legal Authority: Title XI of Merchant Marine Act (46 USC 1271–1279); Section 607 of the Merchant Marine Act (46 USC 1177).

Effects on Small Entities: No significant economic impact is expected on a substantial number of small entities.

Agency Contact: Michael L. Grable, Chief, Financial Services Division, NMFS, NOAA, U.S. Dept. of Commerce, Washington, D.C. 20235, (202) 634–7496.

Timetable:

Action: NPRM Final Rule.

Date: Not yet determined.

FR Cite:

Abstract: This amendment involves revising the conditional fisheries mechanism in order to develop the harvesting of domestic underutilized species by allowing use of financial assistance programs in the construction of so-called combination vessels whose operation for underutilized species is often necessarily associated with economically viable, traditional, and often conditional species. The primary purpose of NOAA's Fishing Vessel Obligation Guarantee and Capital Construction Fund Programs is to enable a sound capitalization of the cost of construction of new fishing vessels. The present conditional fisheries regulations often impede the construction of combination vessels.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Non–Priority Reviews of Existing Regulations

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking & Importing of Marine Mammals: Notice & Hearing on Section 103 Regulations.

CFR: 50 CFR Subpart 216G.

Legal Authority: Marine Mammal Protection Act of 1972 (16 U.S.C 1361 *et seq.)*

Effects on Small Entities: No significant economic impact.

Agency Contact: Richard B. Roe, Acting Director, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7461.

Date for Start of Review: Jan. 1983.

Target Date for Completion of Review: Not yet determined.

Abstract; The existing regulations establish procedures for promulgating regulations involving: (1) taking of marine mammals incidental to commercial fishing operations, (2) waivers of the moratorium, and (3) taking of depleted marine mammals by Indians, Aleuts, or Eskimos. The regulations establish the rules of practice and procedures for all hearings conducted pursuant to Section 103(d) of the Marine Mammal Protection Act of 1972.

Additional Information: Neither an RIA nor an RFA would be required if it is decided to revise these regulations.

Unit/Sub Unit: NOAA/NMFS.

Title: Marine Mammals: Pribilof Islands.

CFR: 50 CFR Subpart 215A & C.

Legal Authority: Fur Seal Act of 1966 (16 U.S.C. 1151–1182); Re-Reorganization Plan No. 4 of 1970.

Effects on Small Entities: Not yet determined.

Agency Contact: Georgia Cranmore, Office of Marine & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7471.

Date for Start of Review: July 1, 1982.

Target Date For Completion of Review: Spring 1983.

Abstract: The regulations implement the provisions of the Fur Seal Act of 1966 other than those relating to the public display of Fur Seals. The regulations apply to the Administration of the Priblilof Islands and the take of Fur Seals. NOAA is conducting an overall review of the management of the Islands.

Additional Information: An RIA is not required and will not be prepared. If is is decided to revise the regulations it has not yet been determined whether an RFA would be required.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing The Taking and Importing of Marine Mammals: Native Exceptions.

CFR: 50 CFR 216.23.

Legal Authority: Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*)

Effects of Small Entities: No significant economic impact.

Agency Contact: Thomas McIntyre, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7529.

Date for Start of Review: Review is ongoing.

Target Date for Completion of Review: Aug. 1982.

Abstract: The existing regulations establish exemptions to the Marine Mammal Protection Act moratorium on the taking of marine mammals for natives to allow them to take marine mammals for subsistence purposes. The regulations may need to be revised because of amendments to the Marine Mammal Protection Act in October 1981 which changed the nature of the exemption.

Additional Information: Neither an RIA nor an RFA would be required if revisions are needed to the regulations.

Unit/Sub Unit: NOAA/OMB.

Title: General Regulations; Public Information; Public Accessibility to NOAA Information Under the Administrative Procedure Act & the Freedom of Information Act.

CFR: 15 CFR Part 903.

Legal Authority: 5 U.S.C. 552 & 553, 15 U.S.C. 311.

Effects of Small Entities: No significant economic impact.

Agency Contact: Sam Stone, Director, Management Branch, NOAA, U.S. Dept. of Commerce, Science Center, Rockville, Maryland 20852 (301) 443–8192.

Date for Start of Review: March 1982

Target Date for Completion of Review: Not determined.

Abstract: Existing regulations prescribe policies regarding the availability of NOAA materials and records pursuant to the Freedom of Information Act. Review is being conducted to determine more economical procedures for programming requests under the Act.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/OMB.

Title: General Regulations; Coordination of Federal & Federally Assisted Programs & Projects.

CFR: 15 CFR Part 905.

Legally Authority: OMB. Circular A–95.

Effects on Small Entities: Not determined.

Agency Contact: Barbara Webster, Acquisition & Grants Management Division, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20230 (301) 443–8503.

Date for Start of Review: July 1982.

Target Date for Completion of Review: Summer 1983.

Abstract: Existing regulations implement OMB Circular A–95 which was designed to promote maximum coordination of Federally Assisted programs. Executive Order 12372 rescinded OMB Circular A–95, July 14,

1982. The regulations will be revised to conform to the Order and to Departmental regulations promulgated thereunder.

Additional Information: None.

Unit/Sub Unit: NOAA/OMB.

Title: General Regulations; Policies & Procedures Regarding Disclosure of Information & NOAA Employee Testimony in Litigation Not Involving the U.S.

CFR: 15 CFR Part 909.

Legal Authority: 15 U.S.C. 313, 1512, 1518; 33 U.S.C. 884; 43 U.S.C. 1458, 1460, 1461.

Effects on Small Entities: No significant economic impact.

Agency Contact: John S. Brookbank, Jr., Office of the General Counsel, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20230 (301) 427–7053.

Date for Start of Review: June 1982.

Target Date for Completion of Review: January 1983.

Abstract: Regulation provides policies and procedures regarding disclosure of NOAA records and data for use in legal proceedings, and rules covering testimony of NOAA employees. Review is being conducted to determine inconsistencies with Department of Commerce rules. Only technical changes are expected.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/OMB.

Title: General Regulations; Uniform Relocation Assistance & Real Property Acquisition Policies.

CFR: 15 CFR Part 916.

Legal Authority: 5 U.S.C. 301, 41 U.S.C. 4601 and 4633.

Effects on Small Entities: No significant economic impact.

Agency Contact: Jim Garrett, Facilities & Services Division, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20230 (301) 443–8727.

Date for Start of Review: March 1983.

Target Date for Completion of Review: March 1982.

Abstract: Existing regulations require general policies and procedures for persons displaced by NOAA and NOAA-assisted programs. Review is being undertaken to determine the need for procedural instructions to further implement the regulations.

Additional Information: Neither an RIA nor an RFA is required or being prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Extension of Commercial/ Recreational Salmon off California, Oregon, & Wash. Fishery Management Plan for Fishing Year 1982.

Agency Contact: Herbert Larkins, Dir., Northwest Region, NMFS, NOAA, U.S. Dept. of Commerce, 7600 Sand Point Way, NE, Seattle, WA 98115, (206) 527–6140.

Where Listed in Prior Agenda: RUD.

Action Taken: Final rule published on August 16, 1982 in 47 FR 35489.

Abstract: The intended effect of the regulations is to prevent overfishing, to apportion equitably the ocean harvest between commercial and recreational fisheries, to allow more salmon to survive the ocean fisheries and reach the various inside fisheries, to meet the U.S. obligations to treaty Indian fisheries, and to achieve the 1982 salmon spawning escapement goals.

Unit/Sub Unit: NOAA/NMFS.

Title: Pacific Coast Groundfish Fishery Management Plan: Implementing Regulations.

Agency Contact: Herbert Larkins, Dir., Northwest Region, NMFS, NOAA, U.S. Dept. of Commerce, 7600 Sand Point Way, NE, Seattle, WA 98115 (206) 527–6140.

Where Listed in Prior Agenda: RUD.

Action Taken: Final Rule issued on Oct. 5, 1982 in 47 FR 43964.

Abstract: The purpose of this Fishery Management Plan and its implementing regulations is to achieve the optimum yield from the Pacific Coast groundfish fishery.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 3 to the High Seas Salmon Fishery Management Plan: Implementing Regulations.

Agency Contact: Robert W. McVey, Dir., Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802 (907) 586–7221.

Where Listed in Prior Agenda: RUD.

Action Taken: No regulations will be proposed or issued.

Abstract: A reduction in harvest limit within existing optimum yield was announced on May 14, 1982 in 47 FR 20830 in lieu of Amendment No. 3.

Unit/Sub Unit: NOAA/NMFS.

Title: Spiny Lobster Fishery of the Gulf of Mexico & South Atlantic Fishery Management Plan: Implementing Regulations.

Agency Contact: Jack T. Brawner, Acting Regional Dir., Southeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL 33702 (813) 893–3141.

Where Listed in Prior Agenda: RUD.

Action Taken: Final rule issued on July 2, 1982 in 47 FR 29202.

Abstract: The intended effect of these regulations is to prevent overfishing, increase the yield from the fishery, reduce user-group conflicts, and obtain the basic information required for improved management of the fishery.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 4 to the Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic: Implementing Regulations.

Agency Contact: Allen E. Peterson, Jr., Dir., Northeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm St., Gloucester, MA 01930, (617) 281–3600.

Where Listed in Prior Agenda: RUD

Action Taken: No regulation will be proposed or issued.

Abstract: Regulations to implement Amendment No. 4 will not be issued because the entire Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic has been withdrawn. Federal management of this fishery has been terminated until such time as the New England Fishery Management Council prepares a new Fishery Management Plan which is approved and implemented.

Unit/Sub Unit: NOAA/NMFS.

Title: Atlantic Sea Scallops Fishery Management Plan: Implementing Regulations.

Agency Contact: Allen E. Peterson, Jr., Dir., Northeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm St., Gloucester, MA 01930, (617) 281–3600.

Where Listed in Prior Agenda: RUD

Action Taken: Final Rule published on August 18, 1982 in 47 FR 35990.

Abstract: This final rule (50 CFR Part 650) implements the Fishery Management Plan for Atlantic Sea Scallops. These regulations are intended to allow the fishery for Atlantic Sea Scallops to attain optimum yield.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 10 to the Groundfish of the Gulf of Alaska Fishery Management Plan: Implementing Regulations.

Agency Contact: Robert W. McVey, Dir., Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802, (907) 586–7221.

Where Listed in Prior Agenda: RUD

Action Taken: Final rule published on June 2, 1982 in 47 FR 23936.

Abstract: The intended effects of these regulations which implement Amendment No. 10 to the Groundfish of the Gulf of Alaska Fishery Management Plan are to (1) reduce the problem of gear conflicts and grounds preemption caused by foreign fishermen, (2) alleviate high incidental catches of Pacific halibut in incidental catches of Pacific halibut in the foreign trawl fishery, and (3) aid the recovery of the severely depressed Pacific ocean perch resource.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products Thereof, & Certain

Other Processed Food Products: U.S. Standards for Grades of Fish Steaks.

Agency Contact: James R. Brooker, Seafood Research Inspection & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7458.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title is now listed under non-priority current & projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products Thereof, & Certain Other Processed Food Products: U.S. Standards for Grades of Fish Fillets.

Agency Contact: James R. Brooker, Seafood Research Inspection & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7458.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title is now listed under non-priority current & projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products Thereof, & Certain Other Processed Food Products: U.S. Standards for Grades of Crustacean Shellfish Products (Frozen Raw Headless Shrimp).

Agency Contact: James R. Brooker, Seafood Research Inspection & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7458.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed. An interim rule was issued on May 20, 1982 in 47 FR 21840. Title is now listed under non-priority current and projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products Thereof, & Certain Other Processed Food Products; U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom (Grades of Frozen Fried Fish Portions).

Agency Contact: James R. Brooker, Seafood Research, Inspection & Consumer Services Div., NMFS, NOAA, Dept. of Commerce, Wash., D.C. 20235 (202) 634–7458.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title is now listed under non-priority current and projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Establishing Restricted Fishing Areas and Gear Requirements to Protect Sea Turtles.

Agency Contact: Charles Oravetz, Southeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, Florida 33702 (813) 893–3366.

Where Listed in Prior Agenda: RUD.

Action Taken: No regulations will be proposed or issued.

Abstract: Regulations to establish restricted fishing areas and gear requirements, such as turtle excluder devices, were being considered in an effort to reduce the incidental catch of sea turtles by the commercial shrimp industry in the southeastern United States. NOAA has concluded that a voluntary program rather than regulations would better suit the present available gear situation. Preliminary indications are that the use of experimental gear can reduce the incidental catch of sea turtles by more than 95%. However, use of existing experimental gear is not suitable for all situations. A testing period is needed to perfect this gear. The gear has potential economic benefits to shrimp fishermen. A voluntary program is the best way to encourage shrimp fishermen to adopt this gear. Moreover, the fishermen will be able to provide valuable information on the refinements and modifications that would be necessary for effective use of the gear by a majority of the fishermen. This program includes demonstrations of the gear at various ports used by commercial shrimp fishermen.

Unit/Sub Unit: NOAA/NMFS.

Title: Endangered Species: Genral Provisions.

Agency Contact: Patricia Montanio, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7529.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, no revisions are necessary.

Abstract: This regulation (50 CFR Part 217) introduces NOAA's Endangered Species Act regulations (50 CFR Parts 217–227).

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking & Importing of Marine Mammals: Introductions and Prohibitions.

Agency Contact: Patricia Montanio, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7529.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, no revisions are needed.

Abstract: Subpart A of 50 CFR Part 216 is the Introduction to the Marine Mammal Protection Act regulations and includes purpose and scope, definitions and other laws that interface with the Act. Subpart B of 50 CFR Part 216 describes prohibited acts, cites pre-Act exceptions and lists depleted species.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking & Importing of Marine Mammals: Collection of Certain Marine Mammal Parts.

Agency Contact: Thomas McIntyre, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7529.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, no revisions are needed.

Abstract: These regulations (50 CFR 216.26) provide for the legal possession of certain marine mammal parts whose possession is otherwise prohibited by the Marine Mammal Protection Act.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking & Importing of Marine Mammals: Taking by State & Local Government Officials.

Agency Contact: Thomas McIntyre, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7529.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title now listed under non-priority current & projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking and Importing of Marine Mammals: Approvals & Review of State Laws.

Agency Contact: Georgia Cranmore, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–1792.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title now listed under non-priority current and project rulemakings.

Abstract: See abstract for this regulation listed under non-priority current and projected rulemakings. The regulation is there retitled as

Regulations Governing the Taking and Importing of Marine Mammals: Transfer of Management Authority to the States.

Unit/Sub Unit: NOAA/NMFS.

Title: Whaling Provisions: Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes.

Agency Contact: Richard B. Roe, Acting Director, Ofc . of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7461.

Where Listed in Prior Agenda: RUD.

Action Taken: Final rule published on May 11, 1982 in 47 FR 20137.

Abstract: Whaling activities conducted domestically by U.S. citizens for subsistence purposes are subject to the terms of the Whaling Convention Act which implements the Schedule of the International Convention for the Regulation of Whaling, 1946. In July 1980 the International Whaling Commission adopted an amendment to the Schedule, which established a three-year quota for the taking of Bowhead whales for the years 1981, 1982, and 1983. A cooperative agreement between NOAA and the Alaska Eskimo Whaling Commission provides specifically for the management of the Bowhead hunt. The final regulations prohibit Bowhead whaling except under the cooperative agreement.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking & Importing of Marine Mammals: Special Exceptions.

Agency Contact: Patricia Montanio, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7529.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title now listed under non-priority current and projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Determination of Critical Habitat for Endangered & Threatened Species of Sea Turtles in Mosquito Lagoon, Fl.

Agency Contact: Richard B. Roe, Acting Director, Ofc . of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7461.

Where Listed in Prior Agenda: RUD.

Action Taken: Regulation will not be proposed or issued.

Abstract: Mosquito Lagoon has been determined not to meet the criteria specified for designating critical habitats under Section 4 of the Endangered Species Act of 1973. The area probably is not used regularly by significant numbers of sea turtles. Thus, the proposed action would not provide additional protection for endangered or threatened sea turtles.

Unit/Sub Unit: NOAA/NMFS.

Title: Endangered Species: General Permit Procedures.

Agency Contact: Patricia Montanio, Ofc. of Marine Mammals & Endangered Species, NMFS, Marine Fisheries Service, NOAA, U.S. Dept of Commerce, Wash., D.C. 20235, (202) 634–7529.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title now listed under non-priority current & projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Marine Mammals: Federal/State Cooperation in the Conservation of Endangered & Threatened Species.

Agency Contact: Charles Karnella, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7471.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, no revisions are necessary.

Abstract: These regulations (50 CFR Part 225) implement Section 6 of the Endangered Species Act, which requires that the Secretary of Commerce, in carrying out programs authorized by that Act, cooperate to the maximum extent practicable with the states.

Unit/Sub Unit: NOAA/NMFS.

Title: Fish & Wildlife Coordinating Act: Uniform Procedures for Compliance.

Agency Contact: Kenneth Roberts, Acting Director, Ofc. of Habitat Protection, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C., (202) 634–7490.

Where Listed in Prior Agenda: RUD.

Action Taken: Proposed rule was withdrawn on July 19, 1982 in 47 FR 31299 in favor of entering into a memoranda of agreement between the Departments of Commerce and the Interior and issuing other Executive instructions.

Abstract: The proposed rule was intended to implement the Fish and Wildlife Coordination Act by requiring the Department of Commerce and the Department of Interior to give equal consideration to fish and wildlife concerns in any water resource decisions. Administrative action was considered for more efficient and less cumbersome than a regulation.

Unit/Sub Unit: NOAA/NMFS.

Title: Termination of Utility Services: Pribilof Islands.

Agency Contact: Georgia Cranmore, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–1792.

Where Listed in Prior Agenda: RUD.

Action Taken: Review suspended.

Abstract: NOAA had planned to develop regulations to assist in collecting debts owed the Federal Government by Pribilof Island residents for unpaid utility bills. This regulatory activity has been suspended and no further action is contemplated pending completion by NOAA of an overall review of the management of the Islands.

Unit/Sub Unit: NOAA/NMFS

Title: Public Display of Fur Seals: Pribilof Islands.

Agency Contact: Patricia Montanio, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7529.

Where Listed in Prior Agenda: RUR:

Action Taken: Review completed, revisions will be proposed. Title now listed under non-priority current & projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/OCZM.

Title: Implementation of the Coastal Zone Management Act of 1980.

Agency Contact: Vickie A. Allin, Acting Deputy Dir., Policy, Evaluation & External Relations, Ofc. of Coastal Zone Mgmtn., NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., N.W. Wash., D.C. 20235 (202) 634–4245.

Where Listed in Prior Agenda: RUD.

Action Taken: Final rule published on May 17, 1982 in 47 FR 21009.

Abstract: These regulations implement key provisions of the Coastal Zone Management Improvement Act of 1980 (CZMA). These areas include: Section 303/306—Significant improvements. Section 306(b)—Program administration grants allocation formula. Section 308—Administering CEIP grants. Section 312—Review of performance.

The final rules implementing Sections 303 and 306(a) broadly define "significant improvements" to include state accomplishments that add elements to current management programs or strengthen existing program elements. Generally, the final significant improvement regulations provide for a flexible and cooperative approach so that coastal states and NOAA can effectively deal with the phase down of Federal funding.

The allocation formula (Section 306(b)) in the final regulations is simple, straight forward, and easy to administer and will minimize the disruption in state funding from current levels. The formula is based on (1) an established minimum share allocated to each state and (2) a proportionate share of the remainder to be allocated 60 percent on the length of shoreline, which provides a reasonable approximation of the magnitude of the resource to be managed, and 40 percent on coastal county population which provides a reasonable approximation of the pressures for use of coastal resources.

The final regulations implementing Section 308(c)(3) have been combined with existing regulations implementing Sections 308(c)(1) and (2) and replace Subpart D (Planning for the Consequences of Energy Facilities) and Subpart L (OCS State Participation Grants) of 15 CFR Part 931—the Coastal Energy Impact Program (CEIP) regulations. The final regulations, therefore, govern the award of all grants under Section 308(c). Consolidation of the three categories of Section 308(c) grants under one subpart will greatly simplify the regulations for administering the CEIP. Under this consolidated approach, states will receive one allotment under Section 308(c) that they will then apportion at their discretion among the allowable uses of Subsections (c)(1) and (3).

Section 312 of the CZMA requires a "continuing review of the performance of coastal states with respect to coastal management." This review must include a written evaluation that assesses the extent to which the state has: (1) implemented and enforced its approved program; (2) addressed the coastal management needs identified in Section 303(2)(A)–(I) of the CZMA; and (3) adhered to the terms of any grant, loan or cooperative agreement funded under the CZMA. The basic requirements for continuing review are set forth in the regulations, which provide that evaluations will be conducted in the course of continuing reviews and that written findings will be prepared.

BILLING CODE 3510-08-M

VIII. National Telecommunication and Information Administration

Non-Priority Current and Projected Rulemakings

Unit/Sub Unit: NTIA.

Title: Public Telecommunications Facilities Program.

CFR: 15 CFR Part 2301.

Legal Authority: Public Telecommunications Finance Act of 1978 (47 USC 390 *et seq.*), as amended by the Public Broadcasting Amendments Act of 1981 (Pub. L. No. 97–35).

Effects on Small Entities: No significant economic impact.

Agency Contact: Robert M. Hunter, Ofc. of the Chief Counsel, Natl. Telecommunications & Information Admin. U.S. Dept. of Commerce, Washington, D.C. 20230 (202) 377–1816.

Timetable:

Action: Interim Rules & Policy Statement. Final Rules.

Date: Mar. 15, 1982, Oct. 1982.

FR Cite: 47 FR 11228.

Abstract: Under the Public Telecommunications Facilities Programs (PTFP) NTIA makes matching grants to nonprofit organizations to assist in the planning and construction of public telecommunications facilities. By a PTFP Report and Order published in 1979 in 44 FR 30895 and made part of 15 CFR Part 2301 NTIA had required grantees to use Federally funded equipment "only" for public telecommunications purposes. By Interim Rules and a Policy Statement published in 1982 in 47 FR 11228 NTIA amended its PTFP regulations to allow grantees more flexibility in the use of Federally funded equipment. The purpose of this change was to assist grantees in meeting their increasing financial needs by and authorizing them limited use of Federally funded equipment for "other than public telecommunications purposes." This was done by amending the regulations to require grantees to use Federally funded equipment "primarily" for public telecommunications purposes. In the course of making these amendments, NTIA rewrote numerous sections of the rules governing the PTFP to simplify and clarify them and to rewrite the list of priorities under which grants would be made.

This action will result in some increase in the use of Federally funded equipment and a concomitant increase in the need for repair and replacement of the equipment. As yet, NTIA has no data on which to base an estimate of the costs of the change in policy. It is anticipated, however, that the "costs"—in terms of more frequent repair and replacement of facilities—will be more than offset by the benefits—cash income—generated by the grantees' use of the equipment for "other than public telecommunications purposes."

NTIA has received public comments on the Interim Rules and is now evaluating those comments.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

NTIA's PTFP rules affect a number of smalll entities, generally nonprofit organizations and educational institutions. The changes in NTIA's regulations now authorize grantees to a limited extent to engage in "other than public telecommunications activities" with the view toward increasing their economic viability and thereby decreasing their dependence on Federal support. While the changes allow grantees to generate revenue, it is not anticipated that the amount of revenue will be substantial enough to displace Federal support at this time. Therefore, the economic impact on small entities is not viewed as significant.

BILLING CODE 3510-60-M

IX. Office of Productivity, Technology and Innovation

Priority Current and Projected Rulemakings

Unit/Sub Unit: OPTI.

Title: Centers for Industrial Technology.

CFR: 15 CFR Part 17a.

Legal Authority: 15 USC 272, 1512; Sec. 6 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 USC 3705); Reorganization Plan No. 5 of 1950; Reorganization Plan No. 3 of 1946.

Effects on Small Entities: No significant economic impact.

Agency Contact: Egils Milbergs, Dir., Ofc. of Productivity, Tech. & Innov., U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–1581.

Timetable:

Action: NPRM Public Comment Period Ended Final Rule.

Date: May 12, 1982, June 12, 1982, Jan. 1983.

FR Cite: 47 FR 20316.

Abstract: 15 CFR Part 17a provides for grants and technical services from the Department of Commerce to establish Centers for Industrial Technology under the Cooperative Generic Technology Program. As funding is not available for grants for developing these Centers, the Department is studying how best to encourage the private sector to develop cooperative research and development arrangements without grants. The proposed substitute rules published for comment on May 12, 1982 provide procedures whereby members of the public and private sectors can apply for and receive technical assistance from the Department of Commerce in the establishment of privately-funded cooperative R&D activities.

Potential benefits of providing technical assistance in the formation of private sector cooperative R&D ventures include fostering innovation of new products and processes. The only potential cost is that of the staff

personnel providing technical assistance. Alternative programs to assist the private sector are under consideration.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

BILLING CODE 3510-08-M

X. Patent and Trademark Office

Priority Current and Projected Rulemakings

Unit/Sub Unit: PTO.

Title: Trademark Applications Examination Proceedings; Trademark Interference, Concurrent Use, Opposition & Cancellation Proceedings; Trademark Post-Registration Proceedings.

CFR: 37 CFR Parts 2.20, 2.27, 2.63–2.65, 2.72, 2.81, 2.88, 2.94–2.113, 2.115–2.117, 2.120–2.129, 2.131, 2.132, 2.134, 2.135, 2.142, 2.146–2.148 2.165, 2.173, 2.184 and 2.186.

Legal Authority: 15 USC 1123.

Effects on Small Entities: No significant economic impact.

Agency Contact: Janet E. Rice, Trademark Trial & Appeal Board, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–3551.

Timetable:

Action: NPRM Hearing Scheduled Final Rule.

Date: June 29, 1982, Oct. 4, 1982, May 1983.

FR Cite: 47 FR 28324, 47 FR 33991.

Abstract: The trademark rules need to be revised to clarify and simplify procedures and to codify existing practice. The proposed revision will not adversely affect substantive trademark rights. Procedures will be simplified and proceedings in the PTO will be expedited without significant effect on the economy or on a substantial number of small entities.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: PTO.

Title: Revision of Patent Procedures.

CFR: 37 CFR Parts 1.4, 1.6–1.9, 1.10, 1.22, 1,41–1.43, 1.45, 1.46, 1.48, 1.52–1.57, 1.60, 1.63–1.65, 1.67, 1.69, 1.70, 1.77, 1.97, 1.98, 1.101, 1.118, 1.123, 1.125, 1.141, 1.153, 1.154, 1.162, 1.163, 1.172, 1.174, 1.175, 1.324, 1.325, 1.335.

Legal Authority: 35 USC 6.

Effects on Small Entities: No significant economic impact.

Agency Contact: R. Franklin Burnett, Ofc. of the Asst. Com. for Patents, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (603) 557–3054.

Timetable:

Action: NPRM Hearing Final Rule.

Date: Oct. 1982, Dec. 1982, Jan. 1983.

FR Cite:

Abstract: The procedures for filing and examining patent applications need to be revised to make them consistent with the requirements of Pub. L. No. 97–247. The proposed revision is intended to benefit patent applicants and will have no significant effect on the economy or adverse impact on small entities.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: PTO.

Title: Continuation-in-Part Applications: Oath or Declaration.

CFR: 37 CFR Part 1.65.

Legal Authority: 35 USC 6.

Effects on Small Entities: No significant economic impact.

Agency Contact: Louis O. Maasell, Ofc. of the Asst. Com. for Patents, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–3070.

Timetable:

Action: NPRM Public Comment Period Closed Final Rule.

Date: Jan. 28, 1981, Mar. 31, 1981, Jan. 1983.

FR Cite: 46 FR 9121.

Abstract: The existing regulation needs to be amended so that the PTO can obtain additional information in the oath or declaration in continuation-in-part applications. The additional information to be provided by the applicant, will reduce the risk of invalidity if a patent is issued and later challenged in court.

The amendment will have relatively minor economic impact and will not affect a large number of small entities.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: PTO.

Title: File Wrapper, Continuing Applications Procedures.

CFR: 37 CFR Parts 1.62 and 1.138.

Legal Authority: 35 USC 6.

Effects on Small Entities: No significant economic impact.

Agency Contact: Louis O. Maassel, Ofc. of the Asst. Com. for Patents, U.S Patent and Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–3070.

Timetable:

Action: NPRM Hearing Held Final Rule.

Date: Nov. 7. 1980, Feb. 4, 1981, Nov. 1982.

FR Cite: 45 FR 73965.

Abstract: The existing regulations need to be amended to allow the prosection of patent applications to continue after a final rejection upon payment of an additional fee. The need for filing a complete new application to continue prosecution would be eliminated, and the paperwork burden on inventors and the PTO would be reduced.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: PTO.

Title: Requests for Identifiable Records.

CFR: 37 CFR Part 1.15.

Legal Authority: 35 USC 6.

Effects on Small Entities: No significant economic impact.

Agency Contact: John W. Dewhirst, Ofc. of the Solicitor, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–3542.

Timetable:

Action: NPRM.

Date: Nov. 1982.

FR Cite.

Abstract: The existing regulations govern request for records not disclosed to the public as part of PTO's informational activities. The regulations need to be revised to eliminate obsolete provisions.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: PTO.

Title: Advertising by Practitioners; Professional Conduct.

CFR: 37 CFR Parts 1.344, 1.345, 2.13 and 2.14.

Legal Authority: 35 USC 6; 15 USC 1123.

Effects on Small Entities: No significant economic impact.

Agency Contact: Fred E. McKelvey, Ofc. of the Solicitor, U.S. Patent and Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–2237.

Timetable:

Action: NPRM Final Rule.

Date: Nov. 1982, May 1983.

FR Cite:

Abstract: The existing regulations needs to be revised to conform to current American Bar Associaiton standards of conduct and advertising for persons registered to practice before the Patent and Trademark Office. The amendment will have no significant effect on the economy or on a substantial number of small entities. The overall effect of the amendments will be to remove a restriction against advertising.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Completed Actions

Unit/Sub Unit: PTO.

Title: Revised Fee Schedule.

Agency Contact: R. Franklin Burnett, Ofc. of the Asst. Com. for Patents, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–3054.

Where Listed in Prior Agenda: RUD.

Action Taken: Revised fee schedules published on July 30, 1982 in 47 FR 33086, on Sept. 10, 1982 in 47 FR 40134, & on Sept. 30, 1982 in 47 FR 43276.

Abstract: The patent and trademark fee schedules were revised in accordance with the requirements of Pub. L. No. 97–247.

Unit/Sub Unit: PTO.

Title: Reissue, Reexamination, Protest & Examination Procedures in Patent Cases.

Agency Contact: R. Franklin Burnett, Ofc. of the Asst. Com. for Patents, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–3054.

Where Listed in Prior Agenda: RUD.

Action Taken: Final rule published on May 19, 1982 in 47 FR 21746.

Abstract: The existing patent examination rules were amended relating to reissue applications, protests to the issuance of patents, and duty of disclosure.

Unit/Sub Unit: PTO.

Title: Trademark Applications: Filing Dates.

Agency Contact: Alan B. Davidson, Ofc. of the Asst. Comm. for Trademarks, U.S. Patent & Trademarks Office, U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–3916.

Where Listed in Prior Agenda: RUD.

Action Taken: Final rule published on Sept. 2, 1982 in 47 FR 38693.

Abstract: The filing dates and requirements for trademark applications contained in the trademark regulations were amended to reduce special handling and delays.

Unit/Sub Unit: PTO.

Title: Rules of Practice in Patent Cases.

Agency Contact: R. Franklin Burnett, Ofc. of the Asst. Comm. for Patents, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231 (703) 557–3054.

Where Listed in Prior Agenda: RUR.

Action Taken: Final rules published on May 19, 1982 in 47 FR 21746 and on July 30, 1982 in 47 FR 33086.

Abstract: The Rules of Practice in Patent Cases (37 CFR Part 1) were amended to curtail reissue and protest procedures and to make changes required by the new fee schedule.

Unit/Sub Unit: PTO.

Title: Forms for Patent Cases.

Agency Contact: R. Franklin Burnett, Ofc. of the Asst. Comm. for Patents, U.S. Patents & Trademark Ofc., Dept. of Commerce, Wash., D.C. 20231 (703) 557–3054.

Where Listed in Prior Agenda: RUR.

Action Taken: Existing regulations repealed on Sept. 10, 1982 in 47 FR 40134.

Abstract: The regulations (37 CFR Part 3) were repealed because all current forms are contained in a separate form booklet prepared and available from the Superintendent of Documents.

Unit/Sub Unit: PTO.

Title: Government Inventions Jurisdiction.

Agency Contact: O.A. Neumann, Ofc. of the Solicitor, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231 (703) 557–3539.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed; no revisions to regulations needed.

Abstract: The existing regulations (37 CFR Parts 100–102) provide procedures for enforcing a uniform Government-wide policy regarding title to inventions made by Government employees in the course of their employment.

Unit/Sub Unit: PTO.

Title: Register of Government Interests in Patents.

Agency Contact: Kenneth L. Cage, Special Laws Administration Group, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231 (703) 557–2877.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed; no revisions to regulations needed.

Abstract: The existing regulations (37 CFR Part 7) provide for the recording by the Patent and Trademark Office of all licenses, assignments, or other interests of the Government in or under patents or applications for patents.

Unit/Sub Unit: PTO.

Title: Procedures for Enforcing Regulations Relating to Use of Patent & Trademark Ofc. Records Facilities.

Agency Contact: Theresa Brelsford, Ofc. of the Asst. Comm. for Admin., U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231 (703) 557–2290.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed; no changes will be made at this time.

Abstract: These regulations which are not codified prescribe internal Patent and Trademark procedures for enforcing regulations relating to the use of PTO records facilities by PTO employees.

[FR Doc. 82-28061 Filed 10-27-82; 8:45 am]

BILLING CODE 3510-16-M

federal register

Thursday
October 28, 1982

Part V

Department of Defense

Office of the Secretary

Improving Government Regulations; Semiannual Agenda of Regulations for Period: May 1, 1982–September 1, 1982

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations for Period: May 1, 1982–September 1, 1982

AGENCY: Department of Defense.

ACTION: Publication of DoD's semiannual agenda of regulations under review or development.

SUMMARY: The Department of Defense is publishing its third semiannual agenda of regulations for public information and comments under E.O. 12291, "Federal Regulation." This agenda incorporates the objectives and criteria, when applicable, of the regulatory reform program under E.O. 12291. It contains DoD issuances initiated by DoD Components that have been reviewed to determine their economic and environmental impact on state, local, public or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and are therefore published to provide notice and an opportunity for participation in the DoD rulemaking process.

This agenda updates the version published in April 1982 and covers the period May 1, 1982 to September 1, 1982. The next agenda is scheduled to be published in April 1983. In addition to this agenda, DoD Components also publish, for public review, issuances pertaining to their specific statutory administrative requirements.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement and general semiannual agenda information contact Colonel Peter H. Karalus, telephone 202–695–4281 or write to Directorate for Organizational and Management Planning, OASD(C), Washington, D.C. 20301.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations contact Ms. Kathleen Buck, legal counsel, Office of the General Counsel, Washington, D.C. 20301, or call 202–697–2714.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. The issuances identified herein are not major regulations that impact significantly upon the public, the economy, state, or private institutions as defined under E.O 12291, nor do they have a substantial ecomomic impact upon a significant number of small business entites under the criteria of the Regulatory Flexibility Act (Pub. L. 96–354).

DoD issuances range from DoD Directives (reflect departmental policy) to Implementing Instructions and Regulations (largely internal in nature and used to implement Directives). The OSD agenda section, therfore, contains the Directives under which DoD components promulgate their implementing regulations.

To facilitate identification and to clarify the differences among these issuances, they are identified by their DoD internal numbering system which denotes Component level of authority and type of issuance in addition to the required CFR number.

In addition, the format of this DoD Agenda has been revised to accommodate a proposed "Unified Agenda of Federal Regulations" which standardizes the Agenda format for all Federal Agencies. This revised format and report structure is intended to provide a more comprehensive and systematic means of monitoring regulatory activity in each Federal Agency. The information presented in this report therefore incorporates these changes which are basically the reporting requirements under E.O. 12291 and identifies rules subject also to the Regulatory Flexibility Act. Accordingly, this DoD Agenda incorporates these requirements when determined applicable to DoD issuances and, in addition, identifies those rules which may be subject to the reporting requirements of P. L. 96–511, "The Paperwork Reduction Act." Individual DoD Component agenda reports may vary the reporting format on account of their separate mission functions and responsibliities in the rulemaking process.

Included in this agenda is the fourth regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements and follow-on reporting actions will be taken, as necessary.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the revised format and to rules reported and shoud be addressed to the DoD Component representatives identified in each section. Comments are also invited on the revised format and should be addressed to the DoD Regulatory Coordinator; Directorate for Organizational and Management Planning, OASD(C); Room 3A326, The Pentagon; Washington, D.C. 20301.

Note.—The publishing of this agenda does not waive the applicability of the military affairs exemption in title 5, section 553 and section 1 of Executive Order 12291.

Although sensitive to the needs of the public and regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Arthur H. Ehlers,

Acting Deputy Assistant Secretary of Defense.

September 20, 1982.

AGENCY: Office of the Secretary, DoD.

ACTION: OSD Semiannual Agenda of Regulatory Documents Developed or Proposed for the Period May 1 through September 1, 1982.

SUMMARY: The regulatory mateial listed below is in 3 parts: (1) current and projected rule making; (2) review of existing regulations; and (3) completed actions.

FOR FURTHER INFORMATION CONTACT: Contact officials' names and telephone numbers appear after each agenda item. For other information on the agenda, contact Mrs. M. S. Healy, Directives Division, C&D, OSD, telephone 202–697–4111.

SUPPLEMENTARY INFORMATION: *E. O. 12291.* None of the regulatory documents listed below is a "major rule" and no major rules are presently under development.

Regulatory Flexibility Act, section 610. OSD has screened its existing regulatory documents and has concluded that none of its regulations or similar documents causes significant impact on a substantial number of small entities.

Paperwork Reduction Act, Pub. L. 96–511. None of the DoD regulatory documents listed in the agenda require information collection reports affecting the public sector under the criteria of Pub. L. 96–511.

The OSD agenda follows:

I. Current and Projected Rule Making

[May 1, 1982–Sept. 1, 1982]

Title	Agency contact	CFR/DoD Doc Nr	Legal authority	Abstract/time table
Identification of Institutions of Higher Learning that Bar Recruiting Personnel from their Premises.	Ronald G. Liveris, 202–697–9269.	32 CFR Part 216, DoD Directive 1322.13.	Pub. L. 92–436, Section 606(a) 1973.	This proposed rule, to be published shortly, is intended to implement section 606 of Pub. L. 92–436, which provides that no funds appropriated for DoD may be used at any institution that bars recruiting personnel on their premises.
The DoD Explosives Safety Board	M. Healy, 202–697–4111	32 CFR Part 186, DoD Directive 5154.4.	10 U.S.C., Section 172	To be reissued within 90 days.
Publication of Proposed Adopted Regulations Affecting the Public.	M. Healy, 202–697–4111	32 CFR Part 296, DoD Directive 5400.9.	5 U.S.C. 551, 552 and 553.	To be reissued within 90 days.

II. Review of Existing Rules

[May 1, 1982–Sept. 1, 1982]

Title	Agency contact	CFR/DoD Doc Nr	Legal authority	Abstract/time table
Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).	Charles M. Gallegos, 303–361–8608.	32 CFR Part 199, DoD 6010.8–R.	Pub. L. 97–114	Continuous review.
Intergovernmental Coordination of DoD Land and Facility Plans and Projects.	David McKinnon, 697–3306	32 CFR Part 243, DoD 4165.61	E.O. 12372	Being reviewed to incorporate E.O. 12372. Final rules to be published by April 30, 1983.

III. Completed Actions

[May 1, 1982–Sept. 1, 1982]

Title	Agency contact	CFR/DoD Doc Nr	Legal authority	Abstract/time table
Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).	Charles M. Gallegos, 303–361–8608.	32 CFR Part 199, DoD 6010.8–R, Amend No. 16.	10 U.S.C. 1079, 1086, 5 U.S.C. 301.	This amends beneficiary signature requirements for the CHAMPUS claims forms. Final rule published 47 FR 35765, published August 17, 1982.
Do	Do	32 CFR Part 199, DoD 6010.8–R, Amend No. 15.	Pub. L. 97–114	This amends elimination of nonavailability statement where primary insurance covers 75 percent of the cost. Final rule published 47 FR 20122, May 11, 1982.
Do	DO	32 CFR Part 199, DoD 6010.8–R, Amend No. 14.	Pub. L. 97–114	This amends benefit consideration for electric-powered cart-type vehicles. Final rule published 47 FR 20123, May 11, 1982.
Discharge Review Boards (DRB) Procedures and Standards.	Colonel Thomas Cuthbert, 202–697–3387.	32 CFR Part 70, DoD Directive 1332.28.	10 U.S.C. 1553, 38 U.S.C. 101 and 3103, as amended.	Revises Discharge Review Board Procedures and Standards; final rule published 47 FR 37770, August 26, 1982.
Reserve Officers' Training Corps Program for Secondary Educational Institutions.	Alvin Tucker, 202–695–1760	32 CFR Part III, DoD Directive 1205.13.	10 U.S.C. 2031, as amended	Updates DoD policies for the organization and administration of the junior ROTC; final rule published 47 FR 36615, August 23, 1982.
Use of Contractor and DoD Resources for Maintenance of Materiel.	Robert T. Mason, 202–695–0338	32 CFR Part 179, DoD Directive 4151.1.	5 U.S.C. 301	Update and clarification of existing directive on depot support of materiel., Final rule published 47 FR 35961, August 18, 1982.
Armed Services Military Clubs and Package Stores.	Major A. Szurgyi, 202–697–9525	32 CFR Part 261, DoD Directive 1015.3.	50 U.S.C. Appendix, Section 473, Section 6.	Update of existing directive, incorporating regulatory requirements mandated by Congress. Final rule published 47 FR 34533, August 10, 1982.
Senior Reserve Officers Training Corps Programs.	Alvin Tucker, 202–695–1760	32 CFR Part 92, DoD Directive 1215.8.	5 U.S.C. 301, 10 U.S.C. 511, 672(d); 2102(b), (2), and (3), and 2109; 11 U.S.C..	Update of ROTC policy; it incorporates active duty commitment and reimbursement requirements and other mandated changes. Final rule published 47 FR 19322, May 5, 1982.

BILLING CODE 3810-01-M

AGENCY: Department of the Army.

ACTION: Semiannual agenda of regulatory information under review or development by the Department of the Army.

SUMMARY: The Department of the Army published its first agenda in 1978 and annually thereafter in compliance with Executive Order 12044, Pub. L. 96–354 and the DOD plan for improving Government Regulations. This agenda provides the status of regulations that were previously reported.

SUPPLEMENTARY INFORMATION: The Department of the Army has no major regulations under development which meet the criteria of Pub. L. 96–354 and Executive Order 12291.

I. Current and Projected Rulemaking (12-Mo Projections)

[May 1, 1981–Sept. 1, 1982]

Title	Agency contact	CFR/DOD Doc NR	Legal authority	Abstract/time table
The Army General Counsel's Honors Program.	LTC Taylor (202) 695-0562, office of the Army General Counsel.	32 CFR 585	10 U.S.C. §§ 3012, 3065	Establish policy & procedures governing Army General Counsel's Honors Program. To recruit highly qualified attorney's to fill vacancys in the Army General Counsel's Office. Purpose Rule under comment period. Does not meet RIA, RFA, and Paperwork Act requirements. To be completed by end of 1982.

II. Review of Existing Regulations

[May 1, 1982–Sept. 1, 1982]

Title	Agency contact	CFR/DOD Doc NR	Legal Authority	Abstract/time table
Environmental Quality, Environmental Effects of Army Actions.	Gary Robinson, Army Environmental Office (202) 694-3434.	32 CFR 651	42 USC 4321 et seq.	Changes to existing Rule to clarify procedures and policies, as a result of experience and practice gained since initial issuance of this Rule. Does not need RIA, RFA, and Paperwork Act requirements. Expected publication, Sept. 82.

III. Completed Actions

[May 1, 1982–Sept. 1, 1982]

Title	Agency contact	CFR/DOD Doc NR	Legal Authority	Abstract/time table
Freedom of Information Act; implementation.	Mr. William Walker, (202) 325-6163, the Adjutant General's Office.	32 CFR 519 (47FR 35590)	5 USC 552	Revision of Army Regulation to ensure consistency with DOD policy. Rule does not meet the RIA, RFA, and Paperwork Act requirements. Completed August 16, 1982.
Claims against the United States	Mr. Gormain Boyle, (301) 677-7960, the Army Claims Service.	32 CFR 536	28 USC 2671-2680	Changes required under PL 97-124, Dec. 29, 1981 to extend the provisions of the Federal Claims Act. Rule does not meet the requirements of RIA, RFA and Paperwork Act. Completed June 21, 1982.

I. Current and Projected Rulemaking (12-Mo Projection)

Army Corps of Engineers Semi-Annual Agenda of Regulations

[May 1, 1982 thru Sept. 1, 1982]

Title	Agency contact	CFR/DOD Doc NR	Legal Authority	Abstract/Time table
Modification of Completed Projects	Mr. Teeters, (202) 272-0116	(Proposed)	Sec. 216, Pub. L. 91-611	Will unify and simplify guidance to field operating activities on use of existing authorities for study and accomplishment of needed modifications to completed projects. (Engineer Regulation 1165-2-119)/ If proposed as a rule, scheduled for publication October 1982. Consideration is being given to issuance as internal agency guidance.
Implementation of E.O. 11990: Protection of Wetlands.	Mr. Teeters, (202) 272-0116	33 CFR 235	E.O. 11990	Will provide instructions to field operating activities for implementing the E.O. (Engineer Regulation 1165-2-401)/ Proposed rule published June 10, 1980. Comment period closed July 24, 1980. Final rule has been prepared and awaits clearance for publication.
Use of Nonstructural Measures in Planning for Flood Damage Reduction.	Mr. Teeters, (202) 272-0116	(Proposed)	33 U.S.C. 7016-11	Will provide guidance for formualtion of plans incorporating nonstructural measures. (Engineer Regulation 1165-2-122)/ If proposed as a rule, scheduled for publication August 1983. Consideration is being given to issuance as internal agency guidance.
Rules and Regulations Governing Public Use of Water Resource Development of Projects Administered by the Chief of Engineers.	Darrell E. Lewis, 202-272-0247	36 CFR Chapter III Part 327	16 U.S.C. 460d	Published in 1979, new policy requires revision. Publication date dependent upon adoption of new fee structure and lakeshore mgmt., regulation. This rule prescribes the policies and procedures to be used in the Corps of Engineers' regulatory programs.
Regulatory Programs of the Corps of Engineers.	Bernard Goode 202-272-0200	33 CFR 320-330	Sec. 10 R&H Act, Sec. 404 CWA, Sec. 103 MPRSA.	Priority regulation. Proposed regulation/30 Nov. 82. Final/Feb. 83.

I. Current and Projected Rulemaking (12-Mo Projection)—Continued

[May 1, 1982 thru Sept. 1, 1982]

Title	Agency contact	CFR/DOD Doc NR	Legal Authority	Abstract/Time table
Inspection & Evaluation of Corps of Engineers Bridges.	Gordon Miller, 202-272-0234	33 CFR Section 222.3/ER 1110-2-99.	Sec. 26, Federal-Aid Highway Act of 1968, 23 U.S.C. 116(d) delegation of authority in 49 CFR 1.48(b).	This rule defines the Corps policy, and prescribes the procedures and responsibilities for the periodic inspection and evaluation of bridges owned or maintained by the Corps of Engineers on Civil Works projects. The benefits from this rule will be safer and better maintained bridges. This document is currently in the CFR, and is presently being revised and combined with another regulation (ER 1110-2-100, Periodic Inspection and Continuing Evaluation of Completed Civil Works Projects). Upon completion of this process, which is scheduled for FY 83, this ER 1110-2-99 will be rescinded and 33 CFR Section 222.3 cancelled.
Periodic Inspection and Continuing Evaluation of Completed Civil Works Structures.	Gordon Miller, (202) 272-0234	33 CFR Section 222.2/ER 1110-2-100.	Pub. L. 92-367, 86 Stat. 506 (33 U.S.C. 467 et seq.).	This regulation defines objectives, states policy, assigns responsibilities, and establishes procedures by which the Corps carries out its responsibilities for assuring the benefit of continuing structural adequacy of its major Civil Works structures in service. This document is currently in the CFR, and is presently being revised and combined with another regulation (ER 1110-2-99, Inspection and Evaluation of Corps of Engineers Bridges) An updated version is scheduled for publication in FY 83.
Reservoir Regulation	Earl Eiker, (202) 272-0224	33 CFR Section 222.7/ER 1110-2-240.	Sec. 7, Pub. L. 78-534, 58 Stat. 890 (33 U.S.C. 709); The Federal Power Act, 41 Stat. 1063 (16 U.S.C. 791(A)); and Sec. 9, Pub. L. 83-436, 68 Stat. 303, specific legislative authorization Acts and Public Law listed in Appendix E of the regulation.	This regulation describes policy, procedures and provides guidance for the Corps of Engineers to follow in performing water control management activities for the regulation of Corps and non-Corps projects. The benefits are better water control plans, water savings and improvement in the availability of water. This rule is currently in the CFR and a revision (addition) has been completed. The revised rule is now being prepared for publication in the Federal Register as a final rule.

II. Review of Existing Regulations—None.

III. Completed Actions

Title	Agency contact	CFR/DOD Doc Nr	Legal authority	Abstract/time table
Establishment of Wetland Areas in Connection with Dredging.	Mr. Teeters, (202) 272-0116	33 CFR 232	Sec. 150 PL 94-587	Provides guidance to field operating activities for establishing wetlands at water resources projects./(Engineer Regulation ER 1165-2-27)/Issued as internal agency guidance July 30, 1982.
The Small Reclamation Projects Reclamation Act of 1956, As Amended.	Mr. Teeters, (202) 272-0120		PL 84-984	Provides guidance for Corps assistance to applicants for Bureau of Reclamation loans under the 1956 Act. (Engineer Regulatoin 1165-2-111)/Reissued as up-dated internal agency guidance May 28, 1982.
Regulatory Programs of the Corps of Engineers.	Bernard Goode, (202) 272-0200	33 CFR 320-330	Sec. 10 R&H Act, Sec. 404 CWA, Sec. 103 MPRSA.	Priority Regulation, Interim Final/22 Jul 82.

BILLING CODE 3710-08-M

AGENCY: Department of the Navy.

ACTION: Semiannual agenda of regulatory information for the period May 1, 1982–September 1, 1982 under review or development by the Department of the Navy.

SUMMARY: None of the regulations contained in this agenda meet the criteria of the Regulatory Flexibility Act (PL 96–354), the major rules under E.O. 12291, or contain reporting requirements under the "Paperwork Act".

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information contact Ms. Alcinda P. Wenberg, telephone 202–695–1921 or write to Chief of Naval Operations, Op–09B15C, Department of the Navy, Washington, D.C. 20350.

I. CURRENT AND PROJECTED RULEMAKING.

[May 1, 1982 to Sept. 1, 1982]

Title	Agency contact	CFR/DOD document number	Legal authority	Abstract/time table
Nonnaval Medical and Dental Care	Mr. H. Pelham, BUMED Tel: 254-4191.	32 Part 732 (BUMEDINST 6320.32D).	5 U.S.C. 301; 10 U.S.C. 1071-1085, 5031, 6148, 6201-6203, 8140; and 32 CFR 700.1202.	To update the BUMED Instruction. Final rule to be published in February 1983.[1]

[1] Approximate completion date.

II. REVIEW OF EXISTING REGULATIONS

[May 1, 1982 to Sept. 1, 1982]

Title	Agency contact	CFR/DOD document number	Legal authority	Abstract/time table
Availability to the Public of Department of the Navy Records.	Ms. Doris Mattingly, OPNAV, Tel: 694-2004.	32 Part 701.1 (SECNAVINST 5720.42B).	5 U.S.C. 552	Being revised to implement a DOD Regulation. Final rule to be published in February 1983.[1]
Personal Privacy and Rights of Individuals Regarding Their Personal Records.	Ms. Gwen Aitken, OPNAV, Tel: 694-2817.	32 Part 701.100 (SECNAVINST 5211.5C).	5 U.S.C. 522a	Final rule to be published in September 1982.[1]
Disposition of cases Involving physical Disability.	LCDR M. W. Kirkpatrick, NCPB, Tel: 696-4366.	32 Part 725 SECNAVINST 1850.4).	5 U.S.C. 301, 10 U.S.C. 1216, 5031.	Under revision due to change in basic requirements. Final rule to be published in late 1982.[1]
Administrative Discharges and Related Matters Concerning Separations of enlisted personnel from the Naval Service.	Mr. Minick, NMPC, Tel: 694-3613.	32 Part 730 (MILPERS Manual, 15560 and SECNAVINST 1910.XX.).	Secs. 280, 1162, 1163, 6291-6298, 70A Stat. 14, 89, 391-393, as amended 76 Stat. 508, 517, Sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 133, 280, 1162, 1163, 1168, 6291-6298.	Changes being staffed. Final rule to be published in late 1982.[1]
Manual of the Judge Advocate General	LCDR F. N. Ottie, JAG, Tel: 325-9860.	32 Parts 719, 720, 726, 727, 750-752, 755-757. (JAGINST 5800.7 Ch-2).	3 U.S.C. 301; 5 U.S.C. 301; 10 U.S.C. 815, 5031, 5148, 2733, 7621-23, 939; 32 CFR 700.206 and 700.1202; 37 U.S.C. 601-604, 1001; 31 U.S.C. 204-243.	Will be published in late 1982.[1]

[1] Approximate completion date.

III. COMPLETED ACTIONS

[May 1, 1982 to Sept. 1, 1982]

Title	Agency contact	CFR/DOD document number	Legal authority	Abstract/time table
Medical and Dental Care for Eligible Persons at Naval Medical Department Facilities.	CDR M.D. Hannas, BUMED, Tel: 254-4388.	32 Part 728 (BUMEDINST 6320.31B).	Secs. 5031, 6011, 70A Stat. 278, 275, as amended, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 5031, 6011.	To update the BUMED Instruction. Final rule published in August 1982.

BILLING CODE 3810-01-M

AGENCY: Department of the Air Force.

ACTION: Semiannual agenda of regulatory information for the period May 1, 1982–September 1, 1982 under review or development by the Department of the Air Force.

SUMMARY: The regulations listed on the agenda are existing or proposed regulations under internal review for revision or development and only apply to those regulations affecting the public. The Department of the Air Force has no "major rules" under development or review as defined by Executive Order 12291. Also, it has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 (P.L. 96–354) do not apply to these rules and that these rules do not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (P.L. 96–511).

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information, contact Mrs. Winnibel F. Holmes, telephone (202) 697–1861 or write, Department of the Air Force, 1947 ASG/DASJR, Pentagon, Washington, DC 20330.

I. CURRENT AND PROJECTED RULEMAKING (12-MO PROJECTION)

[May 1, 1982-Sept. 1, 1982]

Title	Agency contact	CFR No.	Legal authority	Abstract/time table
Air Force Freedom of Information Act Program (AFR 12-30).	Ms. Ward, HQ USAF/DAAD, (202) 694-3488.	32 CFR 806	DODD 5400.7, P.L. 93-502, 5 U.S.C. 552.	Provides policy and guidance/revision is being prepared for printing. Estimated publication date: October 1982.
Selecting Architect Firms for Professional Service by Negotiated Contracts (AFR 88-31).	Mr. Bender, HQ USAF/LEEE, (202) 767-4243.	32 CFR 834	P.L. 95-507; 15 U.S.C. 631, 632, 637, 681, 682, 683, 687, 693, 694; 25 U.S.C. 450.	USAF policies & procedures/revision is at USAF Publishing Division for editorial service. Estimated publication date: December 1982.
Use of USAF Installations by Other Than U.S. DOD Aircraft (AFR 55-20).	Ms. Young, HQ USAF/PR, (202) 697-5968.	32 CFR 855	Federal Aviation Act of 1958; P.L. 85-726; 49 U.S.C. 1507(a) and 1508.	Gives requirements procedures, and responsibilities/revision is in coordination process within the USAF. Estimated publication date: February 1983.

II. Review of Existing Regulations

Title	Agency contact	CFR No.	Legal authority	Abstract/time table
Claims Manual (AFM 112-1)	Mr. Van Nuys, HQ USAF/JACC, (202) 693-0350.	32CFR 842	10 U.S.C. 939; 1089(f); 2732-2737; 9801-9804, 9806; 28 U.S.C. 2671-2680; 31 U.S.C. 340-343; 951-953; 32 U.S.C. 715; 42 U.S.C. 2651-2653.	Guidance for USAF property & personal injury claims/draft is being developed. Estimated publication date: December 1982.
Acquisition of Information Concerning Persons and Organizations Not Affiliated With the Department of Defense (AFR 124-13).	Lt. Col. Hoffman, HQ AFOSI/XPP, (202) 767-5828.	32 CFR 954	DODD 5200.27 10 U.S.C. 8012	Provides USAF policy, limitation & procedures/awaiting determination and interpretation of policy issues by OSD. Estimated publication date: Not determined.

III. Completed Actions

Title	Agency contact	CFR No.	Legal authority	Abstract/time table
Public Affairs Policies and Procedures (AFR 190-1).	Mr. Newton, OSAF/PA, (202) 697-4100.	32 CFR 837	Sec. 8012, 70A Stat 488; 10 U.S.C. 8012.	Published as final August 6, 1982, 47 FR 34134-34137.
Environmental Impact Analysis Process (AFR 19-2).	Lt. Col. Rudolph, UQ USAF/LEEV, (202) 697-6244.	32 CFR 989	DODD 6050.1 P.L. 91-190	Final. Has been sent to the Federal Register for publication.

[FR Doc 82-28062 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part VI

Department of Education

Office of the Secretary

Unified Agenda of Federal Regulations

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitle A and Chapters I–VII

Unified Agenda of Federal Regulations

AGENCY: Department of Education.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: The Secretary of Education publishes a Unified Agenda of Federal Regulations as required by Office of Management and Budget (OMB) Bulletin No. 82–16 issued under the authority of Executive Order 12291 ("Federal Regulations"). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2129 FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245–7091.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96–354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, an agenda of regulations that the Department expects to issue and currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations for which NPRMs have been published. The agenda also includes certain other types of notices that, for example, proposed new requirements or substantive policy changes or specify Secretarial priorities.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 82–16, dated July 22, 1982, prescribing the content and structure of a Unified Agenda of Federal Regulations. The unified agenda will replace the Semiannual Regulations Agenda and Review List previously issued by the Department and last published on May 14, 1982. The unified agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations or each notice listed, the agenda provides: the title of the document, the type of document, a citation of any rulemaking since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

(1) An abstract, which includes: a description of the problem to be addressed, any principal alternatives being considered, the potential costs to all applicants and grantees resulting from the planned action, and the potential benefits to all applicants and grantees resulting from the planned action—such as benefits that might be effected by any deregulation or other amendments.

(2) An indication of whether the planned action is likely to have a significant effect on a substantial number of small entities.

(3) A reference to where a reader can find the current regulations in the Code of Federal Regulations.

(4) A citation of legal authority.

(5) The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory actions are subject to revision in subsequent agendas.

Dated: September 24, 1982.

T. H. Bell,

Secretary of Education.

ACTIONS COMPLETED SINCE PUBLICATION OF PREVIOUS AGENDA

Title of regulatory document	Summary
Pell Grant Program: Cost of Attendance	1. *Contact Person:* a. *Name:* Brian Kerrigan. b. *Telephone Number:* (202) 472–4300. 2. FEDERAL REGISTER *Citation:* 47 FR 20737. 3. *Date of Final Action:* May 13, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
College Housing Program	1. *Contact Person:* a. *Name:* Charles I. Griffith. b. *Telephone Number:* (202) 245–3253. 2. FEDERAL REGISTER *Citation:* 47 FR 22020. 3. *Date of Final Action:* May 20, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
Prior Experience for Special Programs for Student from Disadvantaged Backgrounds	1. *Contact Person:* a. *Name:* Mary K. Smith. b. *Telephone Number:* (202) 245–2511. 2. FEDERAL REGISTER *Citation:* 47 FR 24938. 3. *Date of Final Action:* June 8, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
EDGAR—Audit Standards	1. *Contact Person:* a. *Name:* Willie Price. b. *Telephone Number:* (202) 755–1217. 2. FEDERAL REGISTER *Citation:* 47 FR 31382. 3. *Date of Final Action:* July 20, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
Nondiscrimination on the Basis of Sex in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Personal Appearance Code).	1. *Contact Person:* a. *Name:* Antonio J. Califa. b. *Telephone Number:* (202) 245–2184. 2. FEDERAL REGISTER *Citation:* 47 FR 32526. 3. *Date of Final Action:* July 28, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
Education Consolidation and Improvement Act of 1981, Chapter 1	1. *Contact Person:* a. *Name:* John Staehle. b. *Telephone Number:* (202) 245–3081. 2. FEDERAL REGISTER *Citation:* 47 FR 32856. 3. *Date of Final Action:* July 29, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.

ACTIONS COMPLETED SINCE PUBLICATION OF PREVIOUS AGENDA—Continued

Title of regulatory document	Summary
Education Consolidation and Improvement Act of 1981, Chapter 2	1. *Contact Person:* a. *Name:* Allen King. b. *Telephone Number:* (202) 245-8223. 2. FEDERAL REGISTER *Citation:* 47 FR 32884. 3. *Date of Final Action:* July 29, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Technical Amendments).	1. *Contact Person:* a. *Name:* Margaret Henry. b. *Telephone Number:* (202) 245-9720. 2. FEDERAL REGISTER *Citation:* 47 FR 33228. 3. *Date of Final Action:* July 30, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Funding Procedures).	1. *Contact Person:* a. *Name:* John McGonigal. b. *Telephone Number:* (202) 245-9720. 2. FEDERAL REGISTER *Citation:* 47 FR 33398. 3. *Date of Final Action:* August 2, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
Strengthening Research Library Resources	1. *Contact Person:* a. *Name:* Frank A. Stevens. b. *Telephone Number:* (202) 245-9530. 2. FEDERAL REGISTER *Citation:* 47 FR 35454. 3. *Date of Final Action:* August 13, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
EDGAR—Annual Funding Priorities	1. *Contact Person:* a. *Name:* Chester Glod. b. *Telephone Number:* (202) 245-7810. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Organizational Conflicts of Interest	1. *Contact Person:* a. *Name:* Peggy Saunders. b. *Telephone Number:* (202) 245-1766. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Awards to Former Department Employees or to Their Employers	1. *Contact Person:* a. *Name:* Peggy Saunders. b. *Telephone Number:* (202) 245-1766. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Education Department General Administrative Regulations (EDGAR)—Amendments—Part 76 (Private Schools)	1. *Contact Person:* a. *Name:* Philip Rosenfelt. b. *Telephone Number:* (202) 472-6300. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Disposal and Utilization of Surplus Real Property for Education Purposes	1. *Contact Person:* a. *Name:* Gil Sailor. b. *Telephone Number:* (202) 426-6585. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Relocation Assistance and Real Property Acquisition Policies	1. *Contact Person:* a. *Name:* Gene Tutterrow. b. *Telephone Number:* (202) 245-2525. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Rehabilitation Technical Assistance Program	1. *Contact Person:* a. *Name:* Charles Smolkin. b. *Telephone Number:* (202) 472-3796. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Helen Keller National Center for Deaf-Blind Youth and Adults	1. *Contact Person:* a. *Name:* Charles Smolkin. b. *Telephone Number:* (202) 472-3796. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.

CURRENT AND PROJECTED RULEMAKING

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Priority Regulations: Education Department General Administrative Regulations (EDGAR) (NPRM)	1. *Abstract:* a. *Description of Problem:* Existing regulations will be reviewed to determine whether to propose modifications through rulemaking. Amendments to the regulations would be designed to clarify and consolidate existing regulations, implement changes to OMB circulars, and effect regulatory relief. b. *Alternatives:* To be determined. c. *Potential Costs: To be determined.* d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:*	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—To be determined. Final—To be determined.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Parts 74, 75, 76, 77, and 78. 4. *Legal Authority:* 5 U.S.C. 301. 5. *Contact Person:* a. *Name and Title:* Chester Glod, Contracts and Grants Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-7810.	
Priority Regulations: Nondiscrimination on the Basis of Sex in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (College Athletics Policy) (NPRM).	1. *Abstract:* a. *Description of Problem:* The documents under review include the 1979 policy interpretation of the intercollegiate athletic provisions of Title IX of the Education Amendments of 1972 and the regulations implementing those provisions. The review will consider opportunities for affecting regulatory relief, including reductionin paperwork and compliance burdens. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 106. 4. *Legal Authority:* 20 U.S.C. 1681, 1682. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* d. *Potential Benefits:* To be determined *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Aug. 1983.
Priority Regulations: Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Provision of Auxiliary Aids) (NPRM).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing regulatory requirements regarding the provision of auxiliary aids. The review will consider opportunities for effecting regulatory relief, including reduction of paperwork and compliance burdens, and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Business and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 104. 4. *Legal Authority:* 29 U.S.C. 794. 5. *Contact Person:* a. *Name and Title:* Atonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.
Priority Regulations: Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Elementary and Secondary Education) (NPRM).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing regulatory provisions governing the elementary and secondary education of handicapped students (Subpart D of the regulations). The review will consider opportunities for effecting regulatory relief, including reduction of paperwork and compliance burdens. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 104 4. *Legal Authority:* 29 U.S.C. 794. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.
Priority Regulations: Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Program Accessibility) (NPRM).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing the Department's regulatory requirements for program accessibility by handicapped persons, including standards governing accessibility to facilities. The review will consider opportunities for effecting regulatory relief, including reduction of paperwork and compliance burdens. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 104 4. *Legal Authority:* 29 U.S.C. 794. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.
Priority Regulations: Assistance to States for Education of Handicapped Children (Final).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would reduce fiscal and administrative burdens on grant recipients while assuring a free appropriate public education for all handicapped children.	*Dates and Citations of Past Rulemaking:* 47 FR 33836; Aug. 4, 1982.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Alternatives:* The following are among the principal alternatives considered and accepted by the Secretary in the drafting of the proposed regulations: (1) The use of non-binding guidelines in helping the States to understand certain regulatory provisions, (2) The removal of numerous detailed documentation requirements. (3) Placing certain decision-making at the State and local levels, and (4) Providing the Federal Government with assurances in place of detailed information about policy and procedures. A comprehenisive discussion of the specific issues and alternatives considered is provided in the preable to the proposed regulations. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ■ No □ To be determined □ 3. *CFR Citation:* 34 CFR Part(s) 300 4. *Legal Authority:* 20 U.S.C. 1401, 1411 *et seq.* 5. *Contact Person:* a. *Name and Title:* Shirley A. Jones, Acting Deputy Director, Special Education Programs. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 426-8114.	*Dates of Future Rulemaking:* May, 1983.
Intergovernmental Review of Federal Programs (NPRM).	1. *Abstract:* a. *Description of Problem:* To implement, through regulations, Executive Order 12372 (Intergovernmental Review of Federal Regulations, July 14, 1982), which is designed "to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development." b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes □ No □ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) To be determined. 4. *Legal Authority:* Executive Order 12372 (July 14, 1982; 42 U.S.C. 4231(a); Sec. 301, Title 5, U.S.C.). 5. *Contact Person:* a. *Name and Title:* Chester Glod, Contracts and Grants Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-7810.	*Dates and Citations of Past Rulemaking:* None *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Apr. 1983.
Equal Access to Justice (Final)	1. *Abstract:* a. *Description of Problem:* To implement, through regulations, the Equal Access to Justice Act, which provides for the payment of attorney fees and other adjudication expenses to qualified parties that prevail over the Department in certain administrative proceedings. b. *Alternatives:* None. c. *Potential Costs:* None. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes □ No ■ To be determined □ 3. *CFR Citation:* 34 CFR Part 21 (new part) 4. *Legal Authority:* 5 U.S.C. 504. 5. *Contact Person:* a. *Name and Title:* Peter Wathen-Dunn, Attorney. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 755-1106.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* November, 1982.
Privacy Rights of Parents and Students (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes □ No ■ To be determined □ 3. *CFR Citation:* 34 CFR Part(s) 99. 4. *Legal Authority:* 20 U.S.C. 1232g. 5. *Contact Person:* a. *Name and Title:* Patricia Ballinger, Management Analyst. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-0233.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Apr. 1983.
Availability of Information of the Public Under the "Freedom of Information Act" (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments would update and clarify the regulations. b. *Alternatives:* None. c. *Potential Costs:* None. d. *Potential Benefits:* None. 2. *Significant Effects on Small Businesses and Other Entities:* Yes □ No ■ To be determined □ 3. *CFR Citation:* 34 CFR Part 5. 4. *Legal Authority:* 5 U.S.C. 552. 5. *Contact Person:* a. *Names and Title:* Jack L. Billings, Privacy Act Officer. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3338.	*Dates and Citations of Past Rulemaking:* *Date of Future Rulemaking:* NPRM—Nov. 1982. Final—Mar. 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Privacy Act Regulations (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to these regulations would be designed to (1) establish procedures for notifying individuals about existence of and access to their medical records, and (2) provide for an appeals procedure for individuals denied access to any records about themselves that are maintained in systems of records fo the Department. Other amendments would be designed to effect regulatory relief. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part 5b. 4. *Legal Authority:* 5 U.S.C. 552a. 5. *Contact Person:* a. *Name and Title:* Jack Billings, Privacy Act Officer. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3338.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983 Final—May 1983
Privacy Act Regulations (Final).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would permit the Office for Civil Rights to withhold investigatory materials contained in its "Complaint Files and Log" system of records. b. *Alternatives:* None. c. *Potential Costs:* None. d. *Potential Benefits:* None. 2. *Significant Eifects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 5b. 4. *Legal Authority:* 5 U.S.C. 301, 552a. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* 47 FR 21096; May 17, 1982. *Dates of Future Rulemaking:* February, 1983.
Nondiscrimination on the Basis of Sex in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Notification of Nondiscrimination Policy) (NPRM).	1. *Abstract:* a. *Description of Problem:* The provision of the regulations under review specifies the minimal requirements a recipient of Federal financial assistance must meet in issuing an initial notification of its policy of nondiscrimination. Any proposed amendments would give the recipient more discretion in providing notice of its nondiscriminatory policy and would eliminate obsolete or duplicative requirements. b. *Alternatives:* To be determined. c. *Potential Cost:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 106. 4. *Legal Authority:* 20 U.S.C. 1681, 1682. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking.* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.
Nondiscrimination on the Basis of Race, Color, National Origin, Sex or Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance. (Assurance of Compliance) (NPRM).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing the provisions of these regulations requiring an applicant for or recipient of Federal financial assistance to complete and submit forms that assure compliance with the regulations. Any proposed amendments would be designed to effect regulatory relief, including the reduction of paperwork and compliance burdens. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 100, 104, 106. 4. *Legal Authority:* 20 U.S.C. 1661, 1662; 42 U.S.C. 2000 et. seq.; 29 U.S.C. 794. 5. *Contract Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking.* *Dates of Future Ruelmaking:* NPRM—Jan. 1983. Final—Aug. 1983.
Nondiscrimination on the Basis of Race, Color, National Origin, Sex, or Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Student Assistance) (NPRM).	1. *Abstract:* a. *Description of Problem:* Proposed amendments to the regulations would exclude contracts of insurance or guaranty from coverage under the regulations implementing these statutes. The amendments would also make the definition of the term "Federal financial assistance" consistent in the regulations. b. *Alternatives:* None. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Business and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Parts(s) 100, 104, 106. 4. *Legal Authority:* 42 U.S.C. 2000d-1; 29 U.S.C. 794; 20 U.S.C. 1681, 1682. 5. *Contract Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Aug. 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	
Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance (Type of document to be determined).	1. *Abstract:* a. *Description of Problem:* The regulations would implement the Age Discrimination Act of 1975, as amended, with consideration given to affecting regulatory relief by reducing paperwork and compliance burdens. b. *Alternatives:* None. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 110. 4. *Legal Authority:* 42 U.S.C. 6101 *et. seq.* 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* March 1983.
Nondiscrimination on the Basis of Race, Color, National Origin, Sex, or Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Definition of Program or Activity) (NPRM).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing the definition of "program or activity" as used in the regulations implementing the civil rights statutes enforced by the Department. Consideration will be given to effecting regulatory relief, where appropriate, in any proposed amendments that may result from this review. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 100, 104, 106. 4. *Legal Authority:* 42 U.S.C. 2000d-1; 29 U.S.C. 794; 20 U.S.C. 1681, 1682. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates of Future Rulemaking:* NPRM—Mar. 1983. Final—Nov. 1983.
Nondiscrimination on the Basis of Race, Color, or National Origin under Programs Receiving Federal Financial Assistance Through the Department of Education (Language Minority Policies) (NPRM).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing the Department's policy regarding instruction for students whose principal language is not English. The review will consider opportunities for effecting regulatory relief, including reduction of paperwork and compliance burdens. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 100. 4. *Legal Authority:* 42 U.S.C. 2000d-1. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Apr. 1983. Final—Dec. 1983.
Chapter 1, ECIA, Grants to LEAs to meet the Special Educational Needs of Disadvantaged Children (Type of document to be determined).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing final regulations published on July 29, 1982 (47 FR 32856). Any additional publication would address the applicability of the General Education Provision Act to these regulations. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 200, 201. 4. *Legal Authority:* 20 U.S.C. 3801-3806, 3807, 3871-3876. 5. *Contact Person:* a. *Name and Title:* Dr. John Staehle, Deputy Director of Compensatory Education Programs. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-3081.	*Dates and Citations of Past Rulemaking:* 47 FR 32856; July 29, 1982 *Dates of Future Rulemaking:* To be determined.
Chapter 2, ECIA, Consolidation of Elementary and Secondary Education Programs (Block Grants) (Type of document to be determined).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing final regulations published on July 29, 1982 (47 FR 32884). Any additional publication would address the applicability of the General Education Provision Act to these regulations. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 298. 4. *Legal Authority:* 20 U.S.C. 3811-3876. 5. *Contact Person:* a. *Name and Title:* Allen King, Deputy Director, Division of Educational Support for State and Local Education Programs. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.	*Dates and Citations of Past Rulemaking:* 47 FR 32884; July 29, 1982. *Dates of Future Rulemaking:* To be determined.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	c. *Telephone Number:* (202) 245-8223.	
Financial Assistance to State Educational Agencies for Migratory, Neglected or Delinquent, and Handicapped Children (Chapter 1, ECIA) (NPRM).	1. *Abstract:* a. *Description of Problem:* The amended regulations would implement statutory requirements and provide other necessary information to applicants. b. *Alternatives:* None. c. *Potential Costs:* None. d. *Potential Benefits:* $3,693,475. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 201-204. 4. *Legal Authority:* 20 U.S.C. 3801-3807, 3871-3876. 5. *Contact Person:* a. *Name and Title:* Thomas W. Fagan, Director, Grants, Policy, and Administration, Compensatory Education Program. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9877.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Oct. 1982. Final—Mar. 1983.
Indian Education Fellowship Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would clarify statutory requirements and substantially reduce administrative burdens on project administrators and applicants. b. *Alternatives:* To be determined. c. *Potential Costs:* None. d. *Potential Benefits:* $25,000. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 263. 4. *Legal Authority:* 20 U.S.C. 3385b. 5. *Contact Person:* a. *Name and Title:* Dr. Norman Hearn, Director, DPS. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-8236.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Nov. 1982. Final—Mar. 1983.
Financial Assistance to State Educational Agencies to Improve the Interstate and Intrastate Coordination of Migrant Education Activities (Chapter 1, ECIA) (NPRM).	1. *Abstract:* a. *Description of Problem:* The amended regulations would establish requirements to promote and enhance interstate and intrastate coordination of migrant education programs. They would also enable the Secretary to (1) establish, in consultation with SEAs, priority areas for program funding and (2) establish appropriate criteria that would ensure the selection of quality proposals in areas of national need. b. *Alternatives:* None. c. *Potential Costs:* None. d. *Potential Benefits:* $16,000. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 205. 4. *Legal Authority:* 20 U.S.C. 3803(a). 5. *Contact Person:* a. *Name and Title:* Melissa Murray, Educational Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2222.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—June 1983.
Follow Through Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to (1) incorporate legislative changes and (2) effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* None. d. *Potential Benefits:* $5,400. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 215. 4. *Legal Authority:* 20 U.S.C. 9861-9868. 5. *Contact Person:* a. *Name and Title:* Susan Green, Project Manager. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9846.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—May 1983.
Desegregation of Public Elementary and Secondary Education (formerly Desegregation of Public Education) (NPRM).	1. *Abstract:* a. *Description of Problem:* Any proposed amendments to the regulations would be designated to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 270. 4. *Legal Authority:* 42 U.S.C. 2000c 5. *Contact Person:* a. *Name and Title:* Jack Simms, Director, Equity Training and Technical Assistance. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-8484.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Indian Education Programs (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to (1) effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness; (2) clarify existing regulations; and (3) improve the quality of projects assisted under the programs. b. *Alternatives:* Consideration will be given to the use of alternative tiers for certain provisions of the regulations governing Part A entitlement grants. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 250-262. 4. *Legal Authority:* 20 U.S.C. 241aa-241ff, 1211a, 1221h, 3385a. 5. *Contact Person:* a. *Name and Title:* Dr. Norman Hearn, Director, DPS. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-8236.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Feb. 1983. Final—Aug. 1983.
Assistance for School Construction in Areas Affected by Federal Activities (SAFA) (Type of document to be determined).	1. *Abstract:* a. *Description of Problem:* The amended regulations would (1) implement amendments to the law, (2) clarify existing requirements, and (3), where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 221. 4. *Legal Authority:* 20 U.S.C. 241-1, 646. 5. *Contact Person:* a. *Name and Title:* David Phillips, Acting Head, Policy Development and Analysis Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2547.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* April 1983.
Assistance to Local Educational Agencies for Maintenance and Operation in Areas Affected by Federal Activities (SAFA) (Type of document to be determined).	1. *Abstract:* a. *Description of Problem:* The amended regulations would (1) implement amendments to the law, (2) clarify existing requirements, and (3), where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entites:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 222. 4. *Legal Authority:* 20 U.S.C. 631-647. 5. *Contact Person:* a. *Name and Title:* David Phillips, Acting Head, Policy Development and Analysis Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2547.	*Dates and Citations of Past Rulemaking:* *Rulemaking:* June 1983.
Entitlements to Children Residing on Indian Lands (SAFA) (Type of document to be determined).	1. *Abstract:* a. *Description of Problem:* The amended regulations would (1) implement amendments to the law, (2) clarify certain regulatory provisions, and (3) where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 223. 4. *Legal Authority:* 20 U.S.C. 340(b)(3). 5. *Contact Person:* a. *Name and Title:* David Phillips, Acting Head, Policy Development and Analysis Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2547.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* June 1983.
Guidance and Counseling (Type of Document to be determined).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing these regulations to determine whether they are necessary in view of the provisions of the Education Consolidation and Improvement Act of 1981. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part 211. 4. *Legal Authority:* 20 U.S.C. 2531-2534. 5. *Contact Person:* a. *Name and Title:* Allen King, Deputy Director, Educational Support Services. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-8832.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* To be determined.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Training Personnel for the Education of the Handicapped (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief including reduction of paperwork and compliance burdens and improvement of cost effectiveness. The amendments would also authorize a number of separate competitions to give the Secretary greater flexibility in directing funds to the most critical needs of personnel preparation in special education. b. *Alternatives:* To be determined. c. *Potential Costs:* None. d. *Potential Benefits:* $46,000. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 318. 4. *Legal Authority:* 20 U.S.C. 1431, 1432, 1434. 5. *Contact Person:* a. *Name and Title:* William R. Peterson, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9491.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Oct. 1982. Final—Apr. 1983.
Incentive Grants (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Specifically, the amendments would reduce administrative burdens to State educational agencies by simplifying and streamlining their requirements. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 301. 4. *Legal Authority:* 20 U.S.C. 1419. 5. *Contact Person:* a. *Name and Title:* Shirley A. Jones, Acting Deputy Director, Special Education Programs. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9661.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Nov. 1982. Final—May 1983.
Recruitment of Personnel and Dissemination of Information (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 320. 4. *Legal Authority:* 20 U.S.C. 1433. 5. *Contact Person:* a. *Name and Title:* Helen Corradino, Education Program Specialist. b. *Address.* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9722.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Nov. 1982. Final—Jan. 1983.
Training Programs for Teachers of Handicapped Children in Areas with a Shortage (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation: 34 CFR Part(s) 322.* 4. *Legal Authority:* 20 U.S.C. 1119b—1119b-5. 5. *Contact Person:* a. *Name and Title:* William Wolfe, Budget Analyst. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9661.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Nov. 1982. Final—Apr. 1983.
Vocationa Rehabilitation Service Projects (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 369-375, 378, 379. 4. *Legal Authority:* 20 U.S.C. 711(c), 732, 750, 777(a)(1), 777(a)(3), 777(b), 777(f), 795(g). 5. *Contact Person:* a. *Name and Title:* Charles Smolkin, Acting Director, Policy Development and Review Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3796.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—May 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Regional Resource Centers (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* Consideration will be given to eliminating program regulations and relying on the statute to provide guidance for the administration of projects assisted under the program. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 305. 4. *Legal Authority:* 20 U.S.C. 1421. 5. *Contact Person:* a. *Name and Title:* Nancy Safer, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-4650.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—May 1983.
Auxiliary Activities (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 315. 4. *Legal Authority:* 20 U.S.C. 1424. 5. *Contact Person:* a. *Name and Title:* Max Mueller, Chief, Program Development Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9836.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Apr. 1983.
Instructional Media for the Handicapped (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 330, 331, 332, 333. 4. *Legal Authority:* 20 U.S.C. 1451, 1452. 5. *Contact Person:* a. *Name and Title:* Malcolm Norwood, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-4640.	*Dates and Citations of Past Rulemakings:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—May 1983.
Centers for Independent Living (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* The use of program guidelines only, rather than regulations, was considered but determined not to be viable because the Secretary's need for selection criteria in evaluating applications. c. *Potential Costs:* None. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 366. 4. *Legal Authority:* 29 U.S.C. 711(c) and 796(e). 5. *Contact Person:* a. *Name and Title:* Charles Smolkin, Acting Director, Policy Development and Review Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3796.	*Dates and Citations of Past Rulemakings:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Apr. 1983.
Vocational Rehabilitation Training Programs (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 385-390. 4. *Legal Authority:* 20 U.S.C. 711(c), 744, 776. 5. *Contact Person:* a. *Name and Title:* Charles Smolkin, Acting Director, Policy Development and Review Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3796.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—May 1983.
Centers and Services for Deaf-Blind Children (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness.	*Dates and Citations of Past Rulemaking:*

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 307. 4. *Legal Authority:* 20 U.S.C. 1422. 5. *Contact Person:* a. *Name and Title:* R. Paul Thompson, Chief, Special Need Section. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-2535.	*Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—June 1983.
Early Education for Handicapped Children (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 309. 4. *Legal Authority:* 20 U.S.C. 1423. 5. *Contact Person:* a. *Name and Title:* Richard Champion, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9722.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—June 1983.
Research in Education of the Handicapped (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 324. 4. *Legal Authority:* 20 U.S.C. 1414-1444. 5. *Contact Person:* a. *Name and Title:* Allen Dittman, Acting Chief, Research Projects. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9836.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Feb. 1983. Final—Aug. 1983.
Regional Educational Program for Handicapped Persons (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 338. 4. *Legal Authority:* 20 U.S.C. 1424a. 5. *Contact Person:* a. *Name and Title:* Joseph Rosenstein, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9722.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Feb. 1983. Final—Aug. 1983.
Vending Facility Program for the Blind on Federal and Other Property (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 395. 4. *Legal Authority:* 20 U.S.C. 107a. 5. *Contact Person:* a. *Name and Title:* Charles Smolkin, Acting Director, Policy Development and Review Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3796.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Feb. 1983. Final—Aug. 1983.
State-Administered and Discretionary Vocational Education Programs (NPRM).	1. *Abstract:* a. *Description of Problem:* Proposed amendments to the regulations would reduce administrative burdens on State and local agencies and relieve current restrictions on State and local decision-making authority. b. *Alternatives:* To be determined. c. *Potential Costs:* $12,560. d. *Potential Benefits:* $1,000,000. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 400, 408. 4. *Legal Authority:* 20 U.S.C. 2301-2461. 5. *Contact Person:*	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—July 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	a. *Name and Title:* Sharon A. Jones, Chairperson, Vocational Education Regulations Task Force. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-6244.	
State-Administered and Discretionary Vocational Education Programs (NPRM).	1. *Abstract:* a. *Description of Problem:* Proposed amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* Consideration is being given to eliminating a number of existing regulatory provisions including: (1) prescribed representation of certain specified types of persons on State advisory councils; (2) the assurance that participants in adult basic education will not be charged tuition and fees; and (3) the requirement that States use a competitive process in evaluating applications for subgrants. c. *Potential Cost:* None. d. *Potential Benefits:* $251,856. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 425, 426, 431, 432. 4. *Legal Authority:* 20 U.S.C. 1201-1211c. 5. *Contract Person:* a. *Name and Title:* Sharon A. Jones, Chairperson, Vocational Education Regulations Task Force. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-6244.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.
Bilingual Education Training Projects Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would specify additional factors that the Secretary would consider in selecting grantees. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part 510. 4. *Legal Authority:* 20 U.S.C. 3231. 5. *Contract Person:* a. *Name and Title:* Regina Robbins, Regulations Coordinator. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3520.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Nov. 1982. Final—Apr. 1983.
Bilingual Education Support Service Projects and Material Development Projects (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would consolidate the allowable activities under Parts 504 and 505 into one set of regulations under Part 504 and remove Part 505 when the proposed regulations were published in final form. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 504, 505. 4. *Legal Authority:* 20 U.S.C. 3211 *et seq.* 5. *Contact Person:* a. *Name and Title:* Regina Robbins, Regulations Officer. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3520.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—June 1983.
Eligibility of Foreign Medical Schools under the Guaranteed Student Loan Program (Final).	1. *Abstract:* a. *Description of Problem:* These regulations would establish the procedures and criteria used in determining whether medical schools located outside the United States and Canada are eligible to participate in the Guaranteed Student Loan Program. b. *Alternatives:* None. c. Potential Costs: Not applicable. d. *Potential Benefits:* Not applicable. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part 601 (new CFR Part). 4. *Legal Authority:* 20 U.S.C. 1082, 1085(a). 5. *Contact Person:* a. *Name and Title:* Richard J. Rowe, Director, Eligibility and Agency Evaluation Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9873.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* October, 1982.
Guaranteed Student Loan Program: 1983-84 Family Contribution Schedule (NPRM).	1. *Abstract:* a. *Description of Problem:* The proposed regulations would establish for the 1983-84 academic year levels of expected family contributions that would be used in determining student eligibility for interest subsidies under the Guaranteed Student Loan Program.	*Dates and Citations of Past Rulemaking:*

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

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	b. *Alternatives:* If approved, two significant changes proposed to the Congress would affect these regulations: (1) Separation of the need analysis system for the Pell Grant Program from the need analysis system used by the campus-based programs and by the Guaranteed Student Loan Program. This would permit the campus-based and GSL programs continued use of uniform methodology-based systems and would be unaffected by future amendments to the Pell Grant authorizing legislation. (2) A more stringent standard for defining "independent student." c. *Potential Costs:* Not applicable. d. *Potential Benefits:* Not applicable. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 682. 4. *Legal Authority:* 20 U.S.C. 1071-1087-4. 5. *Contact Person:* a. *Name and Title:* Larry Oxendine, Chief, Policy Section, Guaranteed Student Loan Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2475.	*Dates fo Future Rulemaking:* NPRM—Oct. 1982. Final—Feb. 1983.
Pell Grant National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs: 1983-84 Family Contribution Schedule (Final).	1. *Abstract:* a. *Description of Problem:* The regulations would be used in determining the expected family contributions for academic year 1983-84 for the Pell Grant Program and the campus-based programs. b. *Alternatives:* The Administration has proposed to the Congress significant charges in the Pell Grant Program. These charges are designed to (1) establish a separate need analysis for the Pell Grant Program, (2) improve the integrity of the program, and (3) effect a more stringent standard for defining "independent student." If the Congress were to disapprove or not act on the proposed changes, the need analysis provisions of the authorizing legislation would prevail. The proposed rules covered both alternatives, that is, Congressional enactment or no change in the law. c. *Potential Costs:* Not applicable. d. *Potential Benefits:* Not applicable. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 668, 690. 4. *Legal Authority:* 20 U.S.C. 1085, 1088, 1092, 1097, 1141(a), 1070a. 5. *Contact Person:* a. *Name and Title:* Brian Kerrigan, Acting Chief, Policy Section, Basic Grant Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-4300.	*Dates and Citations of Past Rulemaking:* 47 FR 33412; Aug. 2, 1982. *Dates of Future Rulemaking:* November, 1982.
Training Program for Special Programs Staff and Leadership Personnel: Notice of Proposed Priorities.	1. *Abstract:* a. *Description of Problem:* This notice would establish priorities the Secretary intends to use in evaluating applications for grant awards in fiscal year 1983. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* N/A. 4. *Legal Authority:* 20 U.S.C. 1070d-1d. 5. *Contact Person:* a. *Name and Title:* John Hunt, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-5211.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* Notice of Proposed Priorities—Dec. 1982. Notice of Final Priorities—Feb. 1983.
National Direct Student Loan Program (Subpart C—Due Diligence) (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to Subpart C of the regulations would permit stricter standards in procedures for the collection of student loans. This would aid in reducing the number of defaulted loans. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 674. 4. *Legal Authority:* 20 U.S.C. 421-429. 5. *Contact Person:* a. *Name and Title:* Janet Chad, Campus-based Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9720.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Mar. 1983.
National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Campus-based programs) (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to regulations for the three campus-based programs would be designed to effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Business and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 674, 675, 676. 4. *Legal Authority:* 20 U.S.C. 421-429; 42 U.S.C. 2751-2756b; 20 U.S.C. 1070b-b-3. 5. *Contact Person:* a. *Name and Title:* Margaret Henry, Chief, Policy Section, Campus-based Branch.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Mar. 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

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Title and Type of Regulatory Document	Summary	Timetable
	b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9720.	
Guaranteed Student Loan Program (NPRM).	1. *Abstract:* a. *Description of problems:* Amendments to these regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 682. 4. *Legal Authority:* 20 U.S.C. 1071-1087-4. 5. *Contact Person:* a. *Name and Title:* David Bayer, Chief, Guaranteed Student Loan Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2475.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Mar. 1983.
PLUS Program (NPRM).	1. *Abstract:* a. *Description of Problems:* Amendments to these regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 683. 4. *Legal Authority:* 20 U.S.C. 1071-1087-3a. 5. *Contact Person:* a. *Name and Title:* David Bayer, Chief, Guaranteed Student Loan Branch b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2475.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Mar. 1983.
Pell Grant Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and the improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 690. 4. *Legal Authority:* 20 U.S.C. 1070a. 5. *Contact Person:* a. *Name and Title:* Brian Kerrigan, Acting Chief, Policy Section, Basic Grant Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-4300.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—May 1983.
Student Assistance General Provisions—Amendment (NPRM).	1. *Abstract:* a. *Description of Problem:* The proposed regulations would implement a recently enacted statute to deny assistance or benefits under the Department's student assistance programs for failure to meet the registration requirements under Section 3 of the Military Selective Service Act. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part 668. 4. *Legal Authority: 20 U.S.C. 1970 et seq.* 5. *Contact Person:* a. *Name and Title:* Brian Kerrigan, Acting Chief, Policy Section, Pell Grant Program. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-4300.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1982. Final—May. 1983.
Secretary's Criteria for Nationally Recognized Accrediting Agencies and Associations (currently included in 34 CFR Part 603—Secretary's Recognition Procedures for National Accrediting Bodies and State Agencies) (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of costs effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 602. 4. *Legal Authority:* 20 U.S.C. 1141a et al. 5. *Contact Person:* a. *Name and Title:* Barbara Binker, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2810.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

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Title and Type of Regulatory Document	Summary	Timetable
Secretary's Criteria for State Approval Agencies for Public Postsecondary Vocational Education (currently included in 34 CFR Part 603—Secretary's Recognition Procedures for National Accrediting Bodies and State Agencies) (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 603. 4. *Legal Authority:* 20 U.S.C. 1094(b)(3). 5. *Contact Person:* a. *Name and Title:* Joan Giveris, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C., 20202. c. *Telephone Number:* (202) 245-2229.	*Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.
Higher Education Programs in Modern Foreign Language Training and Area Studies (Fulbright-Hays) (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 662-666. 4. *Legal Authority:* 20 U.S.C. 2452. 5. *Contact Person:* a. *Name and Title:* Ralph Hines, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C., 20202. c. *Telephone Number:* (202) 245-2810.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.
Student Assistance General Provisions (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 668. 4. *Legal Authority:* 20 U.S.C. 20 U.S.C. 1085, 1088, 1092, 1094, 1097, 1141(a). 5. *Contact Person:* a. *Name and Title:* Brian Kerrigan, Acting Chief, Policy Section, Basic Grant Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C., 20202. c. *Telephone Number:* (202) 472-4300.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—May 1983.
Pell Grant and National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs: 1984-85 Family Contribution Schedule (NPRM).	1. *Abstract:* a. *Description of Problem:* The proposed regulations would establish the expected family contributions to be used in determining the financial need of students applying for assistance under the Pell Grant and campus-based programs for academic year 1984-85. b. *Alternatives:* To be determined. c. *Potential Costs:* Not applicable. d. *Potential Benefits:* Not applicable. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 668, 690. 4. *Legal Authority:* 20 U.S.C. 1085, 1088, 1092, 1097, 1141(a), 1070a. 5. *Contact Person:* a. *Name and Title:* Brian Kerrigan, Acting Chief, Policy Section, Basic Grant Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-4300.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Apr. 1983. Final—June 1983.
Guaranteed Student Loan Program: 1984-85 Family Contribution Schedule (NPRM).	1. *Abstract:* a. *Description of Problem:* The proposed regulations would establish for the 1984-85 academic year levels of expected family contributions that would be used in determining student eligibility for interest subsidies under the Guaranteed Student Loan Program. b. *Alternatives:* To be determined. c. *Potential Costs:* Not applicable. d. *Potential Benefits:* Not applicable. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 682. 4. *Legal Authority:* 20 U.S.C. 1071-1087-4. 5. *Contact Person:* a. *Name and Title:* Larry Oxendine, Chief, Policy Section, Guaranteed Student Loan Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2475.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Apr. 1983. Final—June 1983.
Library Services, Public Library Construction, and Interlibrary Cooperation (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness.	*Dates and Citations of Past Rulemaking:*

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Title and Type of Regulatory Document	Summary	Timetable
	b. *Alternatives:* None. c. *Potential Costs:* None. d. *Potential Benefits:* $11,300. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 770. 4. *Legal Authority:* 20 U.S.C. 351. 5. *Contact Person:* a. *Name and Title:* Robert Klassen, Branch Chief. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-5150.	*Dates of Future Rulemaking:* NPRM—Nov. 1982. Final—May 1983.
Government in the Sunshine Act (Type of document to be determined.)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 705. 4. *Legal Authority:* 20 U.S.C. 1221e. 5. *Contact Person:* a. *Name and Title:* Eileen Nicosia, Acting Chief, Policy and Administrative Coordination. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 254-7900.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* December 1982.
National Institute of Education: Educational Research Grant Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to these regulations would be designed to (1) consolidate, clarify, and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 700 701, 702, 709, 710, 716, 718 and 720. 4. *Legal Authority:* 20 U.S.C. 1221e. 5. Contact Person: a. *Name and Title:* Frederick Mulhauser, Research Associate. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 254-7930.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Mar. 1983.
Women's Educational Equity Act Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businessas and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 745. 4. *Legal Authority:* 20 U.S.C. 3341-3348. 5. *Contact Person:* a. *Name and Title:* Leslie Wolfe, Director, Women's Educational Equity Act Program. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2181.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—June 1983.
Territorial Teacher Training Assistance (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 790. 4. *Legal Authority:* Section 1525, Part C of Title XV of the Education Amendments of 1978. 5. *Contact Person:* a. *Name and Title:* Andrew Lebby, Deputy Director, Office of Dissemination and Professional Development. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 653-5844.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Apr. 1983.
National Diffusion Network Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness.	*Dates and Citations of Past Rulemaking:*

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Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 796. 4. *Legal Authority:* 20 U.S.C. 3041. 5. *Contact Person:* a. *Name and Title:* Robert Mulligan, Deputy Director, National Diffusion Network. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 653-7000.	*Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—July 1983.

EXISTING REGULATIONS

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Bilingual Education Act Program (Title VII, ESEA) (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 500-505, 510, 514, 515, 520. 4. *Legal Authority:* 20 U.S.C. 3221-3261. 5. *Contact Person:* a. *Name and Title:* Regina Robbins, Regulations Officer. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3520.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Feb. 1983. Final—Aug. 1983.
Bilingual Education Vocational Programs (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 525, 526, 527. 4. *Legal Authority:* 20 U.S.C. 2301-2461. 5. *Contact Person:* a. *Name and Title:* Regina Robbins, Regulations Officer. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3520.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Aug. 1983.
Transition Program for Refugee Children (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 538. 4. *Legal Authority:* 20 U.S.C. 1522(d). 5. *Contact Person:* a. *Name and Title:* Regina Robbins, Regulations Officer. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3520.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Feb. 1983. Final—Aug. 1983.
Land Grant Colleges and Universities (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 612. 4. *Legal Authority:* 20 U.S.C. 5. *Contact Person:* a. *Name and Title:* Margaret Conway, Program Attorney. b. *Address: U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.* c. *Telephone Number:* (202) 426-5100.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Feb. 1983. Final—July 1983.
Federal State Relationship Agreements (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness.	*Dates and Citations of Past Rulemaking:*

EXISTING REGULATIONS—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities.* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 604. 4. *Legal Authority:* 20 U.S.C. 1143. 5. *Contact Person:* a. *Name and Title:* Edwin J. Neumann, Acting Chief, Education Outreach Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C., 20202. c. *Telephone Number:* (202) 245-9868.	*Dates of Future Rulemaking:* NPRM—Mar. 1983. Final—Aug. 1983.
Financial Assistance for Construction, Reconstruction, and Renovation of Academic Facilities (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities.* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 617-621. 4. *Legal Authority:* 20 U.S.C. 1132a-1132e-1. 5. *Contact Person:* a. *Name and Title:* Charles I. Griffith, Chief, College Facility Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C., 20202. c. *Telephone Number:* (202) 245-3253.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Apr. 1983. Final—Oct. 1983.

[FR Doc. 82-28063 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part VII

Department of Energy

Regulatory Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

41 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: October 1982 Regulatory Agenda.

SUMMARY: The Department of Energy (DOE) is publishing an agenda of regulatory activities that DOE expects to take in the next year. This Regulatory Agenda includes (1) All rules expected to be issued as proposed or final rules before October 1983, (2) all rules being reviewed within the Department to determine whether to propose modifications through rulemaking, and (3) all rules listed in the April 1982 Regulatory Agenda for which regulatory action has been completed. In addition, the Agenda identifies each rule that DOE expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities," and thus also serves as the Department's regulatory flexibility agenda. The Agenda does not include routine regulations and those that relate to internal agency management. Many of the included rules relate to programs that are inconsistent with the Administration's policies and DOE is promulgating such rules only because they are required by statute to be promulgated.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda in general, contact: William Funk, Assistant General Counsel for Regulatory Oversight, Department of Energy, Room 6A–141, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6736.

Specific

For further information about any particular item on the Agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION: Executive Order 12291 (46 FR 13193, February 19, 1981), requires each Federal agency to publish, in April and October of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review. OMB Bulletin 82–16 sets forth standards and procedures for the preparation of these agendas.

Executive Order 12291 also provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act (Public Law 96–354, 5 U.S.C. 602). The regulatory flexibility agenda must contain: (1) A brief description of the subject area of and a summary of the nature of any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities"; (2) the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) the name and telephone number of an agency official knowledgeable concerning each such rule.

Appended to this Notice is DOE's October 1982 Regulatory Agenda, reflecting the status of rules listed as of October 1, 1982. Incorporated in this Agenda is the regulatory flexibility agenda required under 5 U.S.C. 602.

Many of these rules are required by statute to be promulgated. Were it not for these legal requirements, DOE would not promulgate these rules because the Administration has indicated that these programs are inconsistent with the Administration's policies. Rules of this type are identified in the additional information section. DOE will, of course, in promulgating these rules comply with the requirements of Executive Order 12291 and the Regulatory Flexibility Act.

The October 1982 Regulatory Agenda has been prepared in accordance with OMB Bulletin 82–16. Regulatory activities have been divided among the following three categories: (1) current and projected rulemakings (that is, rulemakings for which a **Federal Register** notice already has been issued or is expected to be issued prior to October 1983); (2) reviews of existing regulations (that is, pending reviews within the agency to determine whether to modify an existing regulation through a rulemaking); and (3) completed action (that is, regulatory activities listed in the preceding agenda for which the agency has completed its action prior to the publication of the current agenda). Each category is divided into two sections on the basis of whether the activity relates to a priority regulation. Priority regulations include all regulations designated for priority development or review by an agency head, all regulations that are "major rules" under Section 2(b) of Executive Order 12291, and all regulations designated for review by the Presidential Task Force on Regulatory Relief.

Category 2 contains only two items. This small number reflects the Department's recent completion of two comprehensive reviews of its regulation. The first review was directed at the petroleum price and allocation regulations and resulted in the revocation of nearly all these regulations. (See 46 FR 20506, April 3, 1981). The second review was directed at all other regulations. This review covered 155 existing and proposed regulations. On April 30, 1982, the Department published a notice of the results of this review. (47 FR 18574).

Each item in category 1 and 2 will contain the following information: (1) Title; (2) responsible office (that is, the office within DOE that has primary responsibility for the regulatory activity); (3) agency contact (that is, the name, title, address and phone number of a person in the agency who is knowledgeable about the regulation); (4) CFR citation (that is, the section of the Code of Federal Regulations that will be affected); (5) legal authority (that is, a citation to the section of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive Order that authorizes the regulatory action); (6) timetable (that is, the projected date of the next future stage of rulemaking and, with respect to outstanding proposed rulemakings, the **Federal Register** citations for all past notices); (7) effects on small business and other entities (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act); (8) abstract (that is, a description of the problem the regulation will address, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); and, where appropriate, (9) additional information: Each item in category 3 will contain the following information: (1) title; (2) responsible office; (3) agency contact; (4) **Federal Register** citation of final action; and (5) reason for completion.

Those rules which are identified as being likely to have a significant economic impact on a substantial number of small entities include some rules for which a notice of proposed rulemaking (NOPR) was issued prior to January 1, 1981. Although these rules are listed in the Agenda, under section 4 of the Regulatory Flexibility Act the regulatory flexibility analyses specified in 5 U.S.C. 603–604 are *not* required, and such analyses will not be completed in regard to these rules. These rules, where an NOPR was issued prior to January 1, 1981, are identified in the additional information section.

On September 22, 1982, a draft of this Agenda was transmitted to the Chief

Counsel for Advocacy of the Small Business Administration (SBA) for comment, if any, to fulfill the requirement of 5 U.S.C. 602(b). In addition to publication of this Agenda in the **Federal Register**, DOE has endeavored to give notice of this Agenda to small entities by forwarding copies to a number of trade associations that represent small entities. Small entities are invited to submit comments on any item in the Agenda. Comments should be submitted to: William Funk, Assistant General Counsel for Regulatory Oversight, Department of Energy, Room 6A–141, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252–6736.

DOE's next Regulatory Agenda will be published in April 1983.

Issued in Washington, D.C., this 24th day of September 1982.

Eric J. Fygi,

Acting General Counsel.

DOE's October 1982 Regulatory Agenda is as follows:

I. Current and Projected Rulemakings

A. Priority Regulations

1. Review and Establishment of Natural Gas Curtailment Priorities for Interstate Pipelines.
2. Commercial and Apartment Conservation Service (CACS) Program Regulations.
3. Federal Standby Commercial and Apartment Conservation Service (CACS) Plan.
4. Federal Standby Residential Conservation Service (RCS) Plan.
5. Energy Efficiency Standards for Eight Types of Consumer Products.
6. Energy Efficiency Standards for Four Types of Consumer Products.
7. Energy Efficiency Standards for Heat Pumps.

B. Other Regulations

1. Administrative Procedures with Respect to the Import and Export of Natural Gas.
2. Powerplant and Industrial Fuel Use Act of 1978; Final Rules for Existing Facilities.
3. Recordkeeping Requirements Reduction.
4. Federal Energy Management & Planning Program; Methodology & Procedures for Life Cycle Costing Analysis.
5. Passive Solar Admendments to Residential Conservation Service (RCS) Program Regulations.
6. Energy Performance Standards for New Buildings.
7. Admendments to Department of Energy Conduct of Employees Regulations.
8. Procurement Regulations.
9. Acquisition Regulations.
10. Financial Assistance Regulations.
11. Financial Assistance Regulations; Cooperative Agreements.
12. Security Policies and Practices Relating to Labor-Management Relations.
13. Intergovernmental Review of Federal Programs.
14. Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material.
15. Safeguarding Certain Unclassified Information.
16. National Security Information.

II. Review of Existing Regulations

A. Priority Regulations. None.

B. Other Regulations

1. Procedures for Preliminary Energy Audits and Guidelines for Building Plans.
2. Federal Energy Management Program (FEMP) Guidelines for General Operations Plans.

III. Completed Actions

A. Priority Regulations

1. Residential Conservation Service Program Regulations.
2. Standby Procedures for Emergency Purchases and Allocations of Natural Gas During a Declared Emergency.

B. Other Regulations. None.

I. Current and Projected Rulemakings

A. Priority Regulations

Review and Establishment of Natural Gas Curtailment Priorities For Interstate Pipelines

Responsible Office: Economic Regulatory Administration.

Agency Contact: Paula Daigneault, Economic Regulatory Administration, Department of Energy, 12th & Pennsylvania Avenue NW., Washington, D.C. 20561, (202) 633–9296.

CFR Cite: 10 CFR 598.10 et seq.

Legal Authority: Pub. L. 95–91, Section 301(b), 402(a)(1)(E); Pub. L. 95–621, Section 401, 402, 403.

Timetable:

Action, Date, and FR Cite:
NPRM, July 2, 1980, 45 FR 45098.
FR, See Additional Information, paragraph 1.

Effect on Small Entities: Undetermined; See Additional Information, paragraph 2.

Abstract: The proposed rule establishes natural gas curtailment priorities applicable to deliveries by interstate pipelines during periods when not enough gas is available to supply all customers. The proposed rule implements the rulemaking requirements of Title IV of the Natural Gas Policy Act of 1978 by establishing curtailment priorities for high priority uses and for essential agricultural and essential industrial feedstock and process uses.

Additional Information:

1. FERC currently is reviewing the proposed rule pursuant to section 404 of the DOE Act. FR will be issued approximately six weeks after FERC concurrence is received.
2. A regulatory flexibility analysis is not required in regard to this rule since the notice of proposed rulemaking was issued prior to January 1, 1981.

Federal Standby Commercial and Apartment Conservation Service (CACS) Plan

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Mark Friedrichs or Shelly Launey (CE–115), Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252–1650.

CFR Cite: 10 CFR Part 458.

Legal Authority: Pub. L. 95–619, Pub. L. 96–294.

Timetable:

Action and Date:
NPRM, August 1983.

Effect on Small Entities: No.

Abstract: Title VII of the National Energy Conservation Policy Act, as amended, requires large gas and electric utilities to offer audit and information services to small commercial and large multi-family customers. Each state has the option to implement plan for the operation of the program by its covered utilities. The statute requires DOE to implement a Federal Plan for States or nonregulated utilities which do not submit their own Plan or for States and non-regulated utilities which do not adequately implement their Plan.

Alternative levels of flexibility will be examined. Insufficient data currently exists to reliably estimate potential program costs or benefits.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

Federal Standby Residential Conservation Services (RCS) Plan

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Mark Friedrichs or Nancy Tate (CE–115), Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252–1605.

CFR Cite: 10 CFR Part 456.

Legal Authority: Pub. L. 95–619, Pub. L. 96–294

Timetable:

Action, Date, and FR Cite:

NPRM, January 9, 1981, 45 FR 2522.
Withdrawal, November 12, 1981, 46 FR 55836.
NPRM, October 1982.
FR, March 1983.

Effect on Small Entities; No.

Abstract: The National Energy Conservation Policy Act mandates a Residential Conservation Service (RCS) Program under which large electric and natural gas utilities offer energy audits and other related conservation services to their residential customers. Each state has the option of implementing a FCS Program for itself. The proposed Federal Standby RCS Plan, when made final, would be used to implement the FCS program in nonparticipating or noncomplying States. The proposed Plan is largely based on the revised RCS program regulations, issued June 25, 1982 (47 FR 27752). The alternatives considered and the benefits and the costs of the program are more fully described in the June 25 notice on the revised RCS program regulations.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

Commercial and Apartment Conservation Service (CACS) Program Regulations

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Mark Friedrichs or Shelley Launey (CE–115), Conservation and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue. SW., Washington, D.C. 20585, (202) 252–1650.

CFR Cite: 10 CFR Part 458.

Legal Authority: Pub. L. 95–619, Pub. L. 96–294

Timetable:

Action, Date and FR Cite:

NPRM, January 16, 1981, 46 FR 44820.
FNPRM, October 1982.
FR, March 1983.

Effect on Small Entities: No.

Abstract: On January 16, 1981, DOE issued an NPRM in compliance with Title VII of the National Energy Conservation Policy Act, as amended, which requires DOE to establish a utility audit program for multifamily dwelling and small commercial buildings. DOE is preparing to issue a further NPRM that would simplify and lessen the regulatory and reporting requirements that were proposed originally.

Alternative levels of flexibility will be examined. Insufficient data currently exists to reliably estimate potential program costs or benefits.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it it inconsistent with the Administration's policies.

Energy Efficiency Standards for Eight Types of Consumer Products

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Michael J. McCabe, Conservation and Renewable Energy, Department of Energy, 1100 Independence Ave., S.W., Washington, D.C. 20585, (202) 252–9127.

CFR Cite: 10 CFR 430.

Legal Authority: Pub. L. 94–163, section 325, Pub. Law 95–619, section 422.

Timetable:

Action, Date, and FR Cite:

NPRM, June 30, 1980, 45 FR 43976.
NPRM, April 2, 1982, 45 FR 14424.
FR, October 29, 1982.

Effect on Small Entities: No.

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or it is not technologically feasible or economically justified. This rule deals with eight of these products: refrigerators and refrigerator-freezers, freezers, clothes dryers, water heaters, room air conditioners, kitchen ranges and ovens, central air conditioners and furnaces. The 1982 NPRM evaluates various efficiency levels for consumer products and determined that none would save a significant amount of energy and that for each the costs would outweigh the benefits. Accordingly, the NPRM proposed no standard for each appliance.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

Energy Efficiency Standards for Four Types of Consumer Products

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Michael J. McCabe, Conservation and Renewable Energy, Department of Energy, 1100 Independence Ave., S.W., Washington, D.C. 20585, (202) 252–9127.

CFR Cite: 10 CFR Part 430.

Legal Authority: Pub. L. 94–163, Section 325, Pub. Law 95–619, Section 422.

Timetable:

Action, Date and FR Cite:

ANPRM, December 13, 1979, 44 FR 72276.
NPRM, May 1983.

Effect on Small Entities:

Undetermined.

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or is not technologically feasible or economically justified. This rule deals with four of these products: dishwashers, clothes washers, television sets, and humidifiers and dehumidifiers. The analysis will include all allowable alternatives including various efficiency levels for these consumer products as well as the alternative of no efficiency standard for these consumer products.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

Energy Efficiency Standards for Heat Pumps

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Michael J. McCabe, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–9127.

CFR Cite: 10 CFR Part 430.

Legal Authority: P.L. 94–163, Section 325, P.L. 95–619, Section 422.

Timetable:

Action, Date, and FR Cite:

ANPRM, January 23, 1,980, 45 FR 5602.

Effect on Small Entities:

Undetermined.

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or is not technologically feasible or economically justified. This rule deals with heat pumps. The analysis will include all allowable alternatives including various efficiency levels as

well as the alternative of no efficiency standard.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

B. Other Regulations

Administrative Procedures with Respect to the Import and Export of Natural Gas

Responsible Office: Economic Regulatory Administration.

Agency Contact: Stanley C. Vass, Economic Regulatory Administration, Department of Energy, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20561, (202) 633–9296.

CFR Cite: 10 CFR Parts 205 and 590.

Legal Authority: 15 U.S.C. 717 et seq., P.L. 95–91, Sections 301 and 402.

Timetable:

Action, Date and FR Cite:
NPRM, August 26, 1981, 46 FR 44696.
FR, December 1982.

Effect on Small Entities:
Undertermined.

Abstract: ERA is currently following the FERC procedural rules on an interim basis in natural gas import and export proceedings. The proposal would establish administrative procedures that generally would be informal, would provide more flexibility for tailoring the procedures to the needs of a particular case, and would reflect ERA's organization structure and legislative mandate. Evidentiary hearings would be reserved for situations where necessary to resolve disputes of material issues of fact. The proposal would also eliminate the FERC requirement that the ultimate decisionmaker or an Administrative Law Judge presides at hearings. The proposed rule would ease the regulatory burden on applicants and interested parties by simplifying the procedures and reducing the amount of information and number of documents required for an import or export application.

Powerplant and Industrial Fuel Use Act of 1978; Final Rules for Existing Facilities

Responsible Office: Economic Regulatory Administration.

Agency Contact: Constance L. Buckley, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2967.

CFR Cite: 10 CFR Parts 501, 504, and 506.

Legal Authority: Pub. L. 95–91, Pub. L. 95–621, Pub. L. 97–35.

Timetable:

Action, Date and FR Cite:
NOPR, May 24, 1982, 47 FR 22365.
NOPR, June 10, 1982, 47 FR 25153.
FR, December, 1982.

Effect on Small Entities:

Abstract: This proposal would revise rules implementing Title III of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) to eliminate the regulatory provision for issuing involuntary prohibition orders to existing major fuel burning installations. The proposal further deletes regulations made unnecessary by the Omnibus Budget Rconciliation Act of 1981 amendments to FUA.

Recordkeeping Requirements Reduction

Responsible Office: Economic Regulatory Administration.

Agency Contact: William Funk, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–6739.

CFR Cite: 10 CFR 210.1.

Legal Authority: Pub. L. 93–275, Pub. L. 95–91.

Timetable:

Action and Date:
NPRM, November 1982.

Effect on Small Entities: No.

Abstract: The proposal would eliminate the recordkeeping requirements imposed by the petroleum price and allocation regulations for certain product resellers. If adopted, the amendment would reduce a regulatory burden on a number of small entities.

Federal Energy Management & Planning Programs Methodology & Procedures for Life Cycle Costing Analyses

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Thomas Benson, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9472.

CFR Cite: 10 CFR Part 436.

Legal Authority: Pub. L. 95–619, Section 545–547, Pub. L. 96–294, Section 405, E.O. 11912. E.O. 12003.

Timetable:

Action and Date:
ANPRM, October 7, 1980.
NPRM, June 1083.

Effect on Small Entities: No.

Abstract: The National Energy Conservation Policy Act requires DOE to promulgate regulations that establish a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act requires that the regulations provide for the use of marginal costs in the life cycle cost analysis. DOE is preparing a NPRM to comply with this requirement.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Admministration's policies.

Passive Solar Amendments to Residential Conservation Service (RCS) Program Regulations

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Mark Friedrichs or Gina Urso (CE–115), Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–1650.

CFR Cite: 10 CFR 456.

Legal Authority: Pub. L. 95–619, Pub. L. 96–294.

Timetable:

Action, Date, and FR Cite:
NPRM, June 17, 1982, 47 FR 26148.
FR, October 1982.

Effect on Small Entities: No.

Abstract: The amendments will provide for the continued coverage of passive solar measures as part of home energy audits provided under the RCS program. Coverage of these measures is required by Title VII of the National Energy Conservation Policy Act, as amended. The sections concerning passive solar measures were reserved in the revised RCS regulations published on June 25, 1982 (47 FR 27752) in anticipation of these amendments. The alternatives considered concern the specific passive solar measures to be covered and the estimated costs and savings of these measures. Insufficient data exists to estimate the potential costs and benefits of the action.

Additional Information: The Residential Conservation Service Program is required by statute. Were it not for this requirement, DOE would not issue this rule, because the program is inconsistent with the Administration's policies.

Energy Performance Standards for New Buildings

Responsible Office: Conservation and Renewable Energy.

Agency Contact: James A. Smith, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9835.

CFR Cite: 10 CFR 435.

Legal Authority: Pub. L. 94–385, Pub. L. 96–399, Pub. L. 95–91, Pub. L. 97–35.

Timetable:

Action and Date:
NPRM, June 1983.

Effect on Small Entities:
Undetermined.
Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.
Additional Information: This rule is required by statute. Were it not for this requirement, DOE would not promulgate this rule as it is inconsistent with the Administration's policies.

Amendments to Department of Energy Conduct of Employees

Responsible Office: Office of General Counsel.
Agency Contact: Katherine B. Soffer, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–1522.
CFR Cite: 10 CFR 1010.
Legal Authority: Pub. L. 95–521, Pub. L. 95–28, 18 U.S.C. 201–209, Pub. L. 95–91, Section 601–608, Executive Order 11222.
Timetable:
Action and Date:
NPRM, December 1982.
Effect on Small Entities: No.
Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Department of Energy Procurement Regulations

Responsible Office: Management and Administration.
Agency Contact: Richard B. Langston, Management and Administration, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–8188.
CFR Cite: 41 CFR Part 9.
Legal Authority: 41 U.S.C. 7254.
Timetable:
Action:
See Additional Information.
Effect on Small Entities:
Abstract: In order to provide standard procedures and minimize confusion for DOE contract personnel and DOE contractors, it is necessary for DOE to amend its procurement regulations. The expected changes in the procurement regulations will involve (1) new coverage regarding policy, reporting clauses, and a format for letter contacts; (2) standard clauses for cost type construction and A–E contracts plus value engineering in construction contracts: and (3) miscellaneous updates to keep current with changes in Federal Procurement Regulation and OFPP Policy Letters.
Additional Information: DOE may decide to issue more than one NPRM to accomplish these changes in the procurement regulations. DOE anticipates issuance of the NPRM(s) in the last quarter of calendar 1982.

Department of Energy Acquisition Regulation

Responsible Office: Management and Administration.
Agency Contact: Richard B. Langston, Management and Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–8188.
CFR Cite: 41 CFR Part 9.
Legal Authority: Pub. L. 93–400, Pub. L. 96–83, E.O. 12352.
Timetable:
Action and Date:
NPRM, February 1983.
FR, October 1983.
Effect on Small Entities: No.
Abstract: The Federal Acquisition Regulation is being developed to promote uniformity in Federal procurement policy. When this regulation is published, it will be necessary for DOE to promulgate an acquisition regulation to implement and supplement the Federal Acquisition Regulation with respect to DOE. No significant cost impact is expected.

Financial Assistance Regulations

Responsible Office: Management and Administration.
Agency Contact: Frank Slezak, Management and Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–8191.
CFR Cite: 10 CFR Part 600, Subparts A, B, and C.
Legal Authority: Pub. L. 95–224, Pub. L. 95–91.
Timetable:
Action, Date and FR Cite:
NPRM, March 19, 1982, 47 FR 12038.
FR, October, 1982..
Effect on Small Entities: No.
Abstract: Financial Assistance Regulations contain policies and procedural requirements applicable to the award and administration of grants and cooperative agreements. The revisions to the existing 10 CFR Part 600 provide for greater uniformity and where possible reduce the burden for recipients of DOE financial assistance.

Financial Assistance Regulations; Cooperative Agreements

Responsible Office: Management and Administration.
Agency Contact: Scott Sheffield, Management and Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–8267.
CFR Cite: 10 CFR Part 600, Subpart C.
Legal Authority: Pub. L. 95–91, Section 644 and 646, Pub. L. 95–224.
Timetable:
Action and Date:
NPRM, February 1983.
Effect on Small Entities: No.
Abstract: This proposed rule will revise the existing Subpart C. The purpose of the revision is to conform DOE policy on cooperative agreement award and administration with government-wide policy.

Security Policies and Practices Relating to Labor-Management Relations

Responsible Office: Management and Administration.
Agency Contact: Juanita E. Smith, Management and Administration, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9023.
CFR Cite: 10 CFR Part 706.
Legal Authority: Pub. L. 95–91.
Timetable:
Action and Date:
NPRM, September, 1983.
Effect on Small Entities: No.
Abstract: DOE proposes to amend 10 CFR Part 706. This part previously was published as an Energy Research and Development Administration (ERDA) regulation and was revised to reflect its status as a DOE regulation. Section 301 of the Department of Energy Organization Act transferred to and vested in the Secretary of Energy all the functions previously vested in ERDA. To reflect better its present character as a DOE regulation, DOE is proposing to amend Part 706 in several sections to reflect current application of Part 706. For example, a definition of installation will be included in order to specify which DOE contractors are covered by Part 706. In addition, other changes are being made in the interest of brevity, consistency and clarity.

Intergovernmental Review of Federal Programs

Responsible Office: Management and Administration.
Agency Contact: Frank Slezak, Management and Administration, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-8191.
CFR Cite:
Legal Authority: 42 U.S.C. 4231(a) E.O. 12372.

Timetable:
Action and Date:
NPRM, January 1983.
FR, April 1983.
Effect on Small Entities: No.
Abstract: The regulation will provide for a new intergovernmental review process for Federal programs. States will designate their own process for intergovernmental reviews of proposed Federal financial assistance and direct development activities rather than relying upon the Federally prescribed requirements of OMB Circular A–95. Executive Order 12372 requires regulations to be published by April 30, 1983.

Proposed Changes in Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material

Responsible Office: Defense Programs.
Agency Contact: Martin J. Dowd, Defense Programs, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20545, (202) 353–4642.
CFR Cite: 10 CFR Part 710.
Legal Authority: Sec. 145, 68 Stat. 942, as amended; 42 U.S.C. 2165; sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201, E.O. 10450, 3 CFR 1949–1953 comp., p. 936, as amended; E.O. 10865, 3 CFR 1959–1963, comp., p. 389 as amended, 3 CFR Chapt. IV.; sec. 104(c), 38 Stat. 1237; 42 U.S.C. 5814; sec. 105(a) 99 Stat. 1238; 42 U.S.C. 5815.
Timetable:
Action and Date:
NPRM, June 1983.
Effect on Small Entities: No.
Abstract: DOE proposes to amend Part 710 to delegate the authority to suspend DOE access authorization to the Managers of its Field Operations. Under the existing regulation, only the Assistant Secretary for Defense Programs has the authority to suspend an individual's access authorization in those cases where information is received which raises a question concerning the continued eligibility of an individual for access authorization. The proposed amendment would allow the Manager of a Field Operation to suspend access authorization for an individual subject to recertification of the suspension by the Assistant Secretary for Defense Programs within 30 days. DOE also proposes to assign to the Managers of its field Operations the preparation of notification letters, which enumerate the charges against the individual and explain the individual's rights to "due process." A change is also proposed that would allow witnesses to testify in the presence of other witnesses during hearings before Hearing Officers, under certain specified conditions.

Safeguarding Certain Unclassified Information

Responsible Office: Defense Programs.
Agency Contact: Trisha Dedik Chico, Defense Programs, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–1870.
CFR Cite: 10 CFR Part 1004.
Legal Authority: 42 U.S.C. 2168.
Timetable:
Action and Date:
NPRM, October 1982.
FR, April 1983.
Effect on Small Entities: No.
Abstract: For purposes of the Freedom of Information Act, 5 U.S.C. 552, Section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168) requires the Secretary to withhold certain unclassified information pertaining to the design or production facilities and utilization facilities; security measures relating to the protection of production or utilization facilities, nuclear materials contained in such facilities, and nuclear materials in transit; and the design, manufacture, or utilization of atomic weapons or components thereof, if such information is removed from the Restricted Data category. DOE is amending its Freedom of Information regulations to designate the administrative appellate authority for denials of information falling within the scope of Section 148 of the Atomic Energy Act.

National Security Information

Responsible Office: Defense Programs.
Agency Contact: Robert T. Duff, Defense Programs, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (301) 353–3521.
CFR Cite: 10 CFR Part 1045.
Legal Authority: E.O. 12356. Information Security Oversight Office Directive No. 1.
Timetable:
Action and Date:
NPRM, December 1982.
Effect on Small Entities: No.
Abstract: Executive Order 12356 and Information Security Oversight Office Directive No. 1 require that those portions of related agency implementing regulations that affect members of the public be published in the **Federal Register.** Specifically, points of contact for (1) suggestions or complaints concerning the Department of Energy classification and security program, and (2) for submission of requests under the Mandatory Review provisions of the Executive Order are required to be published.

II. Reviews of Existing Regulations

A. Priority Regulations. None

B. Other Regulations

Procedures for Preliminary Energy Audits and Guidelines for Buildings Plans

Responsible Office: Conservation and Renewable Energy.
Agency Contact: William F. Vance, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252–9471.
CFR Cite: 10 CFR, Part 435, Subpart B & C.
Legal Authority: Pub. L. 94–163, Pub. L. 95–619, E.O. 11912, E.O. 12003.
Timetable:
Action: N/A.
Effect on Small Entities: No.
Abstract: The regulations in Subpart B are needed to provide the procedures for conducting and reporting on preliminary energy audits of Federal buildings, as required by Title V, Part 3, of the National Energy Conservation Policy Act (NECPA) and section 10 of E.O. 11912, as amended. The regulations in Subpart C are needed to provide guidelines for the formulation and updating of Buildings Plans by Federal agencies to achieve goals for reduction of Federal building energy use, pursuant to section 10 of E.O. 11912, as amended, section 381 of the Energy Policy and Conservation Act, as amended, and NECPA. DOE is reviewing these procedures and guidelines in order to determine how to make them less prescriptive.

Federal Energy Management Program (FEMP) Guidelines for General Operations Plans

Responsible Office: Conservation and Renewable Energy.
Agency Contact: William F. Vance, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9471.
CFR Cite: 10 CFR Part 436.
Legal Authority: Pub. L. 94–163, Pub. L. 95–619, Pub. L. 96–102, E.O. 11912, E.O. 12003.
Timetable:
Action: N/A.
Effect on Small Entities: No.
Abstract: This rule is needed to provide guidelines for use by Federal agencies in their development of overall 10–year energy management plans to

conserve energy in the general operations of the agencies. DOE is reviewing these guidelines in order to determine how to make them less prescriptive.

III. Completed Actions

A. Priority Regulations

Residential Conservation Service Program Regulations

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Mark Friedrichs (CE–115), Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–1650.

Final Action:

Action, Date and FR Cite:

FR, June 25, 1982, 47 FR 27752.

Reason for Completion: This rule was reviewed pursuant to the direction of the Vice President's Task Force on Regulatory Relief. This review identified large portions of the original program rule that created unnecessary and costly burdens. After notice and public comment DOE amended the program rule to minimize costs and burdens consistent with the objectives of the statute. Because this program is required by statute, DOE did not have the discretion to eliminate the program.

Standby Procedures for Emergency Purchases and Allocation of Natural Gas During a Declared Emergency

Responsible Office: Environmental Protection, Safety and Emergency Preparedness.

Agency Contact: Romullo Diaz, Environmental Protection, Safety and Emergency Preparedness, Department of Energy, 1000 Independence Avenue, SW., 20585, (202) 252–2934.

Final Action:

Action: See Additional Information.

Reason for Completion: DOE has decided to withdraw the proposal for providing standby procedures for authorization of emergency natural gas purchases and for emergency natural gas allocations and standby procedures for emergency prohibitions on the burning of natural gas by electric powerplants and major fuel-burning installations.

Additional Information: DOE has prepared a notice announcing the withdrawal of the NPRM, but this notice has not yet been published in the **Federal Register.**

B. Other Regulations: None.

[FR Doc. 82–28064 Filed 10–27–82; 8:45 am]

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Federal Register

Thursday
October 28, 1982

Part VIII

Department of Health and Human Services

Office of the Secretary

Unified Agenda of Regulations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I–IV

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on April 30, 1982.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: John J. Phelan, Executive Secretariat, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 245–6111.

Dated: September 22, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

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OFFICE OF THE SECRETARY

Current and Projected Regulations

a. Title: Intergovernmental Review of Federal Programs

b. *Agency Contact:* Gordon Boe, Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs, Room 632–F; Humphrey Building; 200 Independence Avenue SW., Washington, D.C. 20201, (202) 245–6036.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* NA.

e. *Legal Authority:* Section 401(a) of the Intergovenmental Cooperation Act of 1968 (42 U.S.C. 4231(a)); Section 301 of Title 3 of the United States Code; Section 5 of Executive Order 12372, "Intergovenmental Review of Federal Programs."

f. *Abstract:* This regulation implements Executive Order 12372, which establishes a new Federal policy for consulting with State and local elected officials with regard to proposed Federal financial assistance activities and direct Federal development.

g. *Timetable:* NPRM scheduled to be published in second quarter of FY 1983. A final regulation is expected to be published in the **Federal Register** in the third quarter of FY 1983.

a. Title: Nondiscrimination on the Basis of Age in Federally Assisted Programs (HHS-Specific)

b. *Agency Contact:* James S. Fukumoto, Acting Director, Division of Policy & Special Projects, Office of Management & Policy, Office for Civil Rights, Room 5412, HHS North Building, 330 Independence Avenue SW., Washington, D.C. 20201, (202) 245–6700.

c. *Effects on Small Businesses and Other Entities:* Below threshold.

d. *CFR Citation:* 45 CFR Part 91.

e. *Legal Authority:* 42 U.S.C. 6101 *et seq.*

f. *Abstract:* To prohibit age discrimination in programs and activities that receive financial assistance from the Department.

g. *Timetable:* Governmentwide final regulations to implement the Age Discrimination Act were published in the **Federal Register** on June 12, 1979 (44 FR 33768). The Department's Agency-specific NPRM was published in the **Federal Register** on September 24, 1979 (44 FR 55101). Comment period ended on November 23, 1979. The final draft is in clearance and publication is expected during the first quarter of the current fiscal year.

a. Title: Nondiscrimination Requirements Applicable to Block Grants and Community Development and Head Start Programs—Including Nondiscrimination on the Bases of Sex and Religion

b. *Agency Contact:* James S. Fukumoto, Acting Director, Division of Policy & Special Projects, Office of Management & Policy, Office for Civil Rights, Room 5412, HHS North Building, 330 Independence Avenue SW., Washington, D.C. 20201, (202) 245–6700.

c. *Effects on Small Business and Other Entities:* Below threshold.

d. *CFR Citation:* 45 CFR Part 80, new subpart to be assigned.

e. *Legal Authority:* Community Services Block Grant: Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 [OBRA] 677, 95 Stat. 516, 42 U.S.C. 9906. Preventive Health & Health Services Block Grant: OBRA 1908, 95 Stat. 542, 42 U.S.C. 300w–7. Alcohol and Drug and Mental Health Services Block Grant: OBRA 1918, 95 Stat. 543, 42 U.S.C. 300x–7. Primary Care Block Grant: OBRA 901, 1902, 95 Stat. 558; 42 U.S.C. 300y–9. Maternal and Child Health Services Block Grant: OBRA 2191, 95 Stat. 818, 42 U.S.C. 708. Low-Income Home Energy Assistance Block Grant: OBRA 2602, 2606, 95 Stat. 900, 42 U.S.C. 8625. Community Economic Development Act of 1981: OBRA 632(a), 95 Stat. 498, 42 U.S.C. 9821; Head Start Act: OBRA 654(a), 95 Stat. 507, 42 U.S.C. 9849.

f. *Abstract:* To implement the nondiscrimination requirements applicable to block grants and the Community Economic Development and Head Start Programs authorized by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35.

g. *Timetable:* Draft NPRM is in clearance, to be sent to the Department of Justice and the Office of Management and Budget for review. Publication of the NPRM in the **Federal Register** is expected during the first quarter of FY 83.

a. Title: Letter of Credit Sanctions

b. *Agency Contact:* David V. Dukes, Deputy Assistant Secretary for Management and Budget, Finance, Room 705–D, Hubert Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 245–7084.

c. *Effects on Small Businesses and Other Entities:* These regulations are not expected to have a significant economic impact on a substantial number of "small entities" as defined in 5 U.S.C. 601(6).

d. *CFR Citation:* Proposed 45 CFR Part 76.

e. *Legal Authority:* 5 U.S.C. 301.

f. *Abstract:* The proposed regulations would establish a procedure by which the Department may impose sanctions on a recipient holding a letter of credit under any program administered by the Department of Health and Human Services should the recipient violate the terms of the letter of credit.

g. *Timetable:* A Notice of Proposed Rule Making is expected to be published in the **Federal Register** in the first quarter of FY 1983.

a. Title: Unallowability of Costs of Influencing Congressional Legislation

b. *Agency Contact:* Matthias Lasker, Director, Office of Procurement and Assistance Policy, Room 513D, HHH Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202–245–7665.

c. *Effects on Small Businesses and Other Entities:* No significant effect on small entities.

d. *CFR Citation:* 45 CFR Part 74.

e. *Legal Authority:* Sec. 407 of Pub. L. 95–480, 95 Stat. 1589.

f. *Abstract:* Will draw attention to an implement a statutory provision prohibiting payment of grant funds for costs of influencing legislation of the U.S. Congress. No policy issues, budgetary savings, or costs are involved.

g. *Timetable:* Next action is undetermined.

a. Title: Grants and Subgrants to For-Profit Organizations

b. *Agency Contact:* Matthias Lasker, Director, Office of Procurement and Assistance Policy, Room 513D, HHH Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202–245–7665.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact on a substantial number of small entities.

d. *CFR Citation:* 45 CFR Part 74.

e. *Legal Authority:* 5 U.S.C. 301.

f. *Abstract:* Will announce final decision to make for-profit organizations eligible for grants in programs in which they are not statutorily barred from receiving grants and will provide regulations for grants and subgrants to for-profit organizations. No anticipated budgetary impact. Will improve discretionary grant programs by increasing the numbers of organizations eligible to compete for grants and by making greater use of the resources of the private for-profit sector.

g. *Timetable:* Next action is undetermined.

a. Title: Civil Money Penalties

b. *Agency Contact:* Harvey Yampolsky, Assistant General Counsel, Inspector General Division, Room 5541, HHS, 330 Independence Avenue SW., Washington, D.C. 20201, (202) 472–5335.

c. *Effects on Small Businesses and Other Entities:* These regulations are not expected to have a significant economic impact on a substantial number of "small entities" as defined in 5 USC 601(6).

d. *CFR Citation:* These regulations would be located in a new 45 CFR Part 100.

e. *Legal Authority:* Section 1128A of the Social Security Act as added by section 2105(a) of Pub. L. 97–35, the Omnibus Budget Reconciliation Act of 1981; 42 USC 1320a–7a.

f. *Abstract:* These regulations implement section 1128A of the Social Security Act. Section 1128A permits the imposition of civil money penalties against persons who have submitted prohibited claims under the Medicare, Medicaid, and Maternal and Child Health Block Grant programs. The regulations resolve a number of legal and policy issues, such as the administrative procedures to be used. Implementation of the civil money penalty program is estimated to require annual administrative expenses of $2.2 million and to result in program savings of two dollars for every dollar spent.

g. *Timetable:* A Notice of Proposed Rule Making is expected to be published in the **Federal Register** in the first quarter of FY 1983.

a. Title: Public Information Regulations

b. *Agency Contact:* Russell M. Roberts, Director, Freedom of Information/Privacy Division, Office of Public Affairs, Department of Health and Human Services, Room 118F, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201. Telephone number: (202) 472–7453.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 5 (Availability of Information to the Public).

e. *Legal Authority:* 5 U.S.C. 552 (Freedom of Information Act).

f. *Abstract:* This will be the first complete undate since August 1974 of the Department's Public Information Regulation Implementing the Freedom of Information Act. It will facilitate public access to information by making necessary revisions, clarifying, and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing FOIA requests by providing them with an integrated regulation that is compatible with current procedures for processing FOIA requests and assessing search and copy fees that reflect the increased cost of such services. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

g. *Timetable:* Next action is undetermined.

a. Title: Rulemaking relating to Public Property, Loans, Grants, Benefits, and Contracts

b. *Agency Contact:* Terry Coleman, Deputy General Counsel for Regulations, Room 706E, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, (202) 245–7544.

c. *Effects on Small Businesses and Other Entities:* These regulations are not expected to have a significant economic impact on a substantial number of "small entities" as defined in 5 USC 601(6).

d. *CFR Citation:* 45 CFR Part 2.

e. *Legal Authority:* 5 U.S.C. 301.

f. *Abstract:* These regulations state the Department's policy on the use of notice and comment procedures where they are not required by statute. The regulations have no direct budgetary impact.

g. *Timetable:* A Notice of Proposed Rulemaking was published in the **Federal Register** on June 22, 1982. 47 F.R. 26860. The next action is undetermined.

a. Title: Equal Access to Justice

b. *Agency Contact:* Darrel Grinstead, Assistant General Counsel, Business and Administrative Law Division, Room 5362, HHS, 330 Independence Avenue SW., Washington D.C. 20201, (202) 245–2151.

c. *Effects on Small Businesses and Other Entities:* These regulations are not expected to have a significant economic impact on a substantial number of "small entities" as defined in 5 USC 601(6).

d. *CFR Citation:* 45 CFR Part 13.

e. *Legal Authority:* Section 203(a)(1) of Pub. Law 96–481; 5 U.S.C. 504(c)(1).

f. *Abstract:* These regulations implement the Equal Access to Justice Act. They describe the circumstances under which the Department of Health and Human Services may award attorneys fees and certain other expenses to eligible entities who prevail over the Department in specified administrative proceedings where the Department's position in the proceeding was not substantially justified. The Act imposes a cost obligation on the Department that cannot be estimated because it cannot be determined how frequently the Department's position in administrative proceedings will be found not to have been substantially justified, which is the criterion for awards under the Act.

g. *Timetable:* Interim final regulations were published in the **Federal Register** on March 12, 1982. 47 FR 10834. Final regulations responding to public comments are expected to be published in the **Federal Register** in the first quarter of FY 1983.

a. Title: Administration of Grants to States Other Than Block Grants or Open-Ended Grants

b. *Agency Contact:* Matthias Lasker, Director, Office of Procurement and Assistance Policy, Room 513D, HHH Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202–245–7665.

c. *Effects on Small Businesses and Other Entities:* No effect on small entities.

d. *CFR Citation:* 45 CFR Part 74 and 98.

e. *Legal Authority:* 5 U.S.C. 301.

f. *Abstract:* Will reduce and simplify grants administration requirements imposed on States. Will apply to all HHS closed-end categorical grants to States, discretionary (project) grants as well as mandatory (formula) grants. Issues will probably by: degree to which planning requirements can be simplified; whether requirement for grant financial status reports from States should be eliminated; whether Federal controls should be removed from income earned by States from grant-supported activities; and whether States should be permitted unrestricted use of Federal funds exceeding budgeted amounts that result from carryover of unused grant funds from one funding period to the next of a discretionary grant. No significant expected impact on Federal budget but should reduce administrative costs of States (no estimate available or feasible).

g. *Timetable:* An NPRM is expected to be issued during first quarter of FY 1983. This regulation will be reviewed by the Presidential Task Force on Regulatory Relief and is a priority rule.

a. Title: Privacy Act Regulation

b. *Agency Contact:* Russell M. Roberts, Director, Freedom of Information/Privacy Division, Office of Public Affairs, Department of Health and Human Services, Room 118F, Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201. Telephone number: (202) 472–7453.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 5(b) (Privacy Act Regulation).

e. *Legal Authority:* 5 U.S.C. 552(a) (Privacy Act of 1974).

f. *Abstract:* This will be the first complete update since 1975 of the Department's Privacy Act Regulation implementing the Privacy Act of 1974. It will facilitate individuals' access to information and records that the Department maintains about them in more than 400 designated Privacy Act Systems of Records, clarifying and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing Privacy Act requests by providing them with an integrated regulation that is compatible with current procedures for processing such requests. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

g. *Timetable:* Next action is undetermined.

Completed Action

1. Title: HHS Block Grant Programs

Agency Contact: Robert Raymond, 202–245–7316.

CFR Citation: 45 CFR Parts 16, 74 and 96.

Reason for Completion: Final Rule published July 6, 1982.

2. Title: Equipment Acquired Under Public Assistance Programs

Agency Contact: Edward Tracy, 202–245–7411.

CFR Citation: 45 CFR Part 95, Subpart G.

Reason for Completion: Final Rule published on September 21, 1982.

3. Title: Availability of Information to the Public

Agency Contact: Russell Roberts, 202–472–7453.

CFR Citation: 45 CFR Part 5.

Reason for Completion: Final Rule published on September 21, 1982.

OFFICE OF HUMAN DEVELOPMENT SERVICES

Current and Projected Rulemaking

1. Office of Assistant Secretary for Planning and Evaluation, Public Health Service, and Office of Human Development Services

a. Title: Consolidated Grants to Insular Areas—Final Rule

b. *Agency Contact:* Catherine Carver, Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs, Room 640–F, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 245–6156.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 42 CFR Part 50, Subpart F, 45 CFR Parts 97 and 1300.

e. *Legal Authority:* Section 501, Pub. L. 95–134, 91 Stat. 1164, amended, Sec. 9, Pub. L. 95–348, 92 Stat. 495, Sec. 601, Pub. L. 96–205, 94 Stat. 90 (48 U.S.C. 1469a).

f. *Abstract:* This is a joint regulation of the Office of the Assistant Secretary for Planning and Evaluation, the Public Health Service, and the Office of Human Development Services. The regulation would authorize the consolidation of certain formula and block grants to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands (the "Insular Areas"). The regulation would also waive all requirements for matching that are imposed upon an insular area under any of those block or formula grant programs that are included in a consolidated grant. Previous regulations allowing for consolidations of grants of the Public Health Service (42 CFR Part 50, Subpart F) and the Office of Human Development Services (45 CFR Part 1300) would be repealed.

g. *Timetable:* An NPRM was published on June 16, 1982 (47 FR 26104). A final rule is expected to be published during the first quarter of fiscal year 1983.

2. Administration on Aging

a. Title: Grants for State and Community Programs on Aging: Funding of Program Development and Coordination Activities as Allowable Supportive Services Costs—Final Rule

b. *Agency Contact:* Floyd Godfrey or Anita Shalit, Administration on Aging, Room 4750, HHS North Building, 330 Independence Avenue SW., Washington, D.C. 20201, (202) 245–0641.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 45 CFR Part 1321.

e. *Legal Authority:* Title III of the Older Americans Act (42 U.S.C. 3021 through 3030g).

f. *Abstract:* Under this regulation, States must expend up to the limit of 8.5 percent for area plan administration prior to spending direct supportive service funds for program development and coordination. In addition, the State Plan on Aging must include an assurance that State and area agencies on aging will obtain review and comment from the general public, including older persons, government officials and the aging services network prior to using additional amounts of direct supportive service funds for program development and coordination.

g. *Timetable:* An NPRM was published on February 5, 1982 (47 FR 5440). The final rule is expected to be published during the first quarter of fiscal year 1983.

3. Administration on Aging

a. Title: Grants for State and Community Programs on Aging; Grants to Indian Tribes for Supportive and Nutrition Services; and Standard Setting Requirements for Medical and Nonmedical Facilities where SSI Recipients Reside—Notice of Proposed Rulemaking

b. *Agency Contact:* Floyd Godfrey or Anita Shalit, Administration on Aging, Room 4750, HHS North Building, 330 Independence Avenue SW., Washington, D.C. 20201, (202) 245–0641.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 45 CFR Parts 1321, 1328, and 1397.

e. *Legal Authority:* Title III of the Older Americans Act (42 U.S.C. 3057); Section 1616(e) of the Social Security Act (42 U.S.C. 1382e).

f. *Abstract:* This NPRM will propose requirements that will give States and Indian tribes greater flexibility in meeting the statutory requirements to provide supportive and nutrition services to older individuals. The NPRM also provides for: (1) the establishment of an assurance in the agency's State plan that the State will meet the requirements under Section 1616(e) of the Social Security Act to establish, maintain and enforce standards in facilities where substantial numbers of SSI recipients live; and (2) funding sanctions for failure to comply with those provisions.

g. *Timetable:* The NPRM is expected to be published during the first quarter of fiscal year 1983.

4. Administration for Children, Youth and Families

a. Title: Foster Care Maintenance Assistance, Adoption Assistance, and Child Welfare Services—Final Rule

b. *Agency Contact:* Frank Ferro, Associate Chief, Children's Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013, (202) 755–7418.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 45 CFR Parts 1355, 1356, 1357, and 1392.

e. *Legal Authority:* Adoption Assistance and Child Welfare Act of 1980, Pub. L. 96–272, 42 U.S.C. 670 et seq., 94 Stat. 501, 42 U.S.C. 620 et seq., 94 Stat. 516 et seq., Section 1102 of the Social Security Act, as amended, 42 U.S.C. 1302.

f. *Abstract:* This regulation will implement the provisions of the Adoption Assistance and Child Welfare Act of 1980 (titles IV–E, Federal Payments for Foster Care and Adoption Assistance, and IV–B, Child Welfare Services, of the Social Security Act) to establish a program of adoption assistance, strengthen the program of foster care assistance for neglected and dependent children, and to improve the child welfare services program.

g. *Timetable:* An NPRM was published on December 31, 1980 (45 FR 86817). A final rule governing fiscal requirements was published on July 15, 1982 (47 FR 30922). On the same date, a second NPRM governing the programmatic requirements of foster care, adoption assistance and child welfare services was published (47 FR 30932). A final rule on the programmatic sections is expected to be published during the third quarter of fiscal year 1983.

5. Administration for Children, Youth and Families

a. Title: Child Abuse and Neglect Prevention and Treatment Program—Final Rule

b. *Agency Contact:* Jay Olson, Special Assistant to the Director, National Center on Child Abuse and Neglect, Administration for Children, Youth and Families, Room 2008D Donohoe Building, 400 Sixth Street SW., P.O. Box 1182, Washington, D.C. 20013, (202) 245–2859.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 45 CFR Part 1340.

e. *Legal Authority:* The Child Abuse Prevention and Treatment Act, Pub. L. 93–247, 88 Stat. 4; Pub. L. 95–266, 92 Stat. 205; Secs. 609–610, Pub. L. 97–35, 95 Stat. 488 (42 U.S.C. 5101 et seq.).

f. *Abstract:* This regulation will implement the amendments to the Child Abuse Prevention and Treatment Act contained in Title I of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, Pub. L. 95–266, as amended. The regulation will also clarify, simplify and eliminate where repetitive of the statute, rules governing the Child Abuse and Neglect Prevention and Treatment Program and those related to the coordination of Federal activities related to child abuse and neglect.

g. *Timetable:* An NPRM was published on May 27, 1980 (45 FR 35794). It is expected that the final rule will be published during the first quarter of fiscal year 1983.

6. Administration on Developmental Disabilities

a. Title: Developmental Disabilities Program—Second Notice of Proposed Rulemaking

b. *Agency Contact:* Mrs. Madelyn C. Schultz, Administration on Developmental Disabilities, Room 349–F Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 245–1961.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 45 CFR Parts 1385, 1386, and 1387.

e. *Legal Authority:* Pub. L. 88–164, 77 Stat. 282, as amended by Pub. L. 90–170, 81 Stat. 527; Pub. L. 91–517, 84 Stat. 1316; Pub. L. 94–103, 89 Stat. 486; Pub. L. 95–602, 92 Stat. 2955; Pub. L. 97–35, 95 Stat. 563 (42 U.S.C. 6001 et seq.).

f. *Abstract:* This proposed regulation would provide maximum flexibility to States in their implementation of the basic formula grant program and the protection and advocacy system. It proposes to simplify State administration of the program and reduce reporting and paperwork requirements.

g. *Timetable:* An NPRM was published on May 9, 1980 (45 FR 31006). The Department plans to rescind the first NPRM and publish a second NPRM more consistent with Executive Order 12291 and the Department's rulemaking principles. The second NPRM is expected to be published during the first quarter of fiscal year 1983.

7. Administration for Native Americans

a. Title: Native American Programs—Final Rule

b. *Agency Contact:* David Litton, Acting Director, Policy Planning and Budget Division, Administration for Native Americans, Room 5300, HHS North Building, 330 Independence Avenue SW., Washington, D.C. 20201, (202) 245–7727.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 45 CFR Part 1336.

e. *Legal Authority:* The Native American Programs Act, Title VIII of the Head Start, Economic Opportunity and Community Partnership Act of 1974, Pub. L. 93–644, as amended by Pub. L. 95–568 and Pub. L. 97–35 (42 U.S.C. 2991 et seq.).

f. *Abstract: This regulation will revise and simplify the appeals process and establish new management and administrative procedures which will reduce reporting and paperwork requirements. It will also remove unnecessary provisions and revise the language of the current regulation for clarity.*

g. *Timetable:* An NPRM was published on August 26, 1982 (47 FR 37852). The final rule is expected to be

published during the second quarter of fiscal year 1983.

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(None)

SOCIAL SECURITY ADMINISTRATION

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a. Title—Old-Age, Survivors, and Disability Insurance, Black Lung, and Supplemental Security Income Programs; Waiver of Adjustment or Recovery of Overpayments

b. *Agency Contact*—Name: Larry Dudar. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: 301–594–6629.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subpart F; 410, subpart E; and 416, Subpart E.

e. *Legal Authority*—30 U.S.C. 923, 42 U.S.C. 404, 405, 427, 1302, 1383(b).

f. *Abstract*—The proposed regulation would: (1) establish a time limit for requesting waiver of recovery of an overpayment of benefits; (2) standardize among the three programs the definitions of "without fault" (a criterion for waiver for recovery); (3) identify a resource base for all three programs, recovery from which will be considered to "defeat the purpose" (another criterion for waiver) of the program; (4) limit the amount of miscellaneous living expenses considered in determining whether recovery will "defeat the purpose" of the program; and (5) provide that recovery will be considered "against equity and good conscience" only if the individual relinquished a valuable right or changed his or her position for the worse because of the incorrect payment or because of a notice that the payment would be made. The regulation would be expected to result in program savings and negligible administrative cost.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Eligibility, Mandatory Application for Earned Income Tax Credits

b. *Agency Contact*—Name: Rita Hauth. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: 301–594–7460.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart B.

e. *Legal Authority*—42 U.S.C. 1302, 1381a, 1382, 1382c, and 1383.

f. *Abstract*—Existing regulations provide that individuals are not eligible for SSI benefits if they do not apply for other benefits when notified to do so by SSA. These benefits include payments based on past employment and military service. These proposed rules amend the regulations by adding to these benefits which must be applied for amounts payable as earned income tax credits (EITC's) under the provisions of sections 43 and 3507 of the Internal Revenue Code. These payments became countable as earned income for Supplemental Security Income (SSI) purposes with the enactment of Pub. L. 96–222 (section 101(a)(2)(B)). It is estimated that these regulations will have no significant program or administrative costs or savings.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Burial Plots and Prepaid Burial Contracts

b. *Agency Contact*—Name: Henry Lerner. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: 301–594–7414.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416 Subpart L.

e. *Legal Authority*—42 U.S.C. 1302, 1382, 1382b, 1382c, and 1383.

f. *Abstract*—This regulation specifies that burial plots and prepaid burial contracts are not resources for purposes of the Supplementary Security Income (SSI) program. It will resolve the problem within the SSI program of an individual who is found ineligible or loses eligibility for SSI benefits because he or she owns a burial plot or has a burial contract. We estimate that this regulation will have minimal program and administrative costs.

g. *Timetable*—Past Actions: An Interim Rule was published on August 17, 1982. Next Stage: Publication of a Final Regulation—date of next stage is undetermined.

a. Title—Supplemental Security Income Program; Effective Date of Application and Proration of Initial SSI Benefit Payment

b. *Agency Contact*—Name: Fred Miranda. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: 301–594–7341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subparts C and E.

e. *Legal Authority*—Pub. L. 97–248.

f. *Abstract*—These regulations, effective October 1, 1982, will enable SSI benefits in the month of application to be prorated from the date of application or the date of eligibility, whichever is later. The regulations will also apply to months in which the individual reapplies after a period of ineligibility.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Supplemental Security Income Program: Rounding of SSI Benefit Amounts

b. *Agency Contact*—Name: Fred Miranda. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR, Part 416, Subpart D.

e. *Legal Authority*—Pub. L. 97–248.

f. *Abstract*—These rules reflect changes in the law enabling SSI monthly benefit and income eligibility amounts to be rounded to the next lower dollar. Rounding takes place after the cost-of-living adjustment (COLA) has been made and subsequent COLAs are based on unrounded benefit and income eligibility amounts.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Supplemental Security Income Programs; Mandatory Pass Through Under State Supplementation Provisions

b. *Agency Contact*—Name: Irving Darrow. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 597–3409.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart T.

e. *Legal Authority*—Sec. 186 of Pub. L. 97–248 (Sec. 1618(c) of the Social Security Act, as amended; 42 U.S.C. 1382g(c))

f. *Abstract*—These rules reflect changes in the law enabling States to switch from the "maintaining of total expenditures" method of compliance with mandatory pass through provisions to the "maintaining of payment levels" method without first having to pass through to SSI recipients all the Federal cost-of-living benefit increases which have occurred since December 1976.

g. *Timetable*—Past Actions: None. Next Stage: Publication of Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Supplemental Security Income Program; Phaseout of Hold Harmless Protection

b. *Agency Contact*—Name: Irving Darrow. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 597–3409.

c. Effects on Small Businesses and Other Entities—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart T.

e. *Legal Authority*—Sec. 184 of Pub. L. 97–248.

f. *Abstract*—These rules reflect changes in the law which reduce Federal contributions toward the cost of State's supplementary payments to 60% of what they otherwise would have been for FY 1982; 40% of what they otherwise would have been for FY 1983; and discontinue them entirely afterwards.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Supplemental Security Income Program; Burial Spaces and Certain Funds Set Aside for Burial Expenses

b. *Agency Contact*—Name: Henry Lerner. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7414.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart L.

e. Legal Authority—Pub. L. 97–248.

f. *Abstract*—These regulations provide for the exclusion of burial spaces for the use of an individual and members of his or her immediate family. The amendment also provides for the exclusion of up to $1,500 each for an individual and spouse held in separately identifiable burial funds. However, the amount excluded as a burial fund will be reduced by the face value ($1,500 or less) of life insurance where the cash surrender value was already counted in excludable resources and any amount held in an irrevocable burial arrangement (not considered a resource because it cannot be redeemed for

cash). Thus, the exclusion of burial funds is not an exclusion of additional amounts of resources. Rather, it gives SSI recipients an alternative to life insurance and irrevocable burial plans for providing for their burial expenses without affecting their SSI eligibility. The provision also stipulates that future SSI benefits will be reduced by any amounts of the excluded burial funds used for purposes other than those for which they were set aside. The Secretary is authorized to exclude from income and resources increases in the value of burial funds which result from accrual of interest or from appreciation. the effective date of these regulations is 11/1/82.

g. *Timetable*—Past Actions: None. Next Stage: Publication of an Interim Regulation—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Limitations in Cases Involving Felonious Homicide

b. *Agency Contact*—Name: Fred Miranda. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subparts D and J.

e. *Legal Authority*—Sections 202(d) and 1102 of the Social Security Act.

f. *Abstract*—This regulation prohibits a child who is found by a competent judicial body to have intentionally caused the death of a wage earner, from being paid a survivor's benefit on that wage earner's record. Under previous policy, survivors benefits were often paid to these juveniles because under the juvenile systems in most States the juveniles were not convicted of crimes. In addition, the word "finally" was removed from the existing regulations so as to make it clear that benefit payments will cease beginning with the month a court pronounces a conviction and will not resume unless and until the conviction is reversed. Minimal program savings are expected because of the small number of persons affected. There is no administrative cost impact.

g. *Timetable*—Past Actions: An Interim Regulation was published on March 30, 1982 (47 FR 13324). Next Stage: Publication of a Final Regulation—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Deeming of Income and Resources

b. *Agency Contact*—Name: Fred Miranda. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart K.

e. *Legal Authority*—Sections 1102, 1612, 1613, 1614(c) and 1631 of the Social Security Act.

f. *Abstract*—The regulation reflects a temporary change in policy which provides that the Secretary, in appropriate circumstances, will not apply the ordinary SSI rules for deeming certain family member's income and resources to a noninstitutionalized person. The regulation enables a patient to retain Medicaid eligibility while being treated at home at considerably less cost to the government than if he or she were in an institution. This temporary policy deals with this concern while States develop appropriate programs of home and community based services under their Medicaid programs. The regulation will have inconsequential impact on administrative costs. Minimal program savings will result because of the relatively small number of persons affected.

g. *Timetable*—Past Actions: An Interim Regulation was published on June 4, 1982 (47 FR 24274). Next Stage: Publication of a Final Regulation—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Revised Rules for Certain Medical Cessation Cases

b. *Agency Contact*—Name: Harry Short. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7337.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subpart P, and 416, Subpart I.

e. *Legal Authority*—Sections 205, 1102, and 1631 of the Social Security Act.

f. *Abstract*—This proposed regulation describes revised procedures for processing certain cases where a person's benefits are being stopped because he or she has been found to be not now disabled or blind, as defined in the law. The proposed regulation amends the rules describing when a person's disability will be determined to have ended and, therefore, when cash disability benefits will be stopped (and, for a disabled worker, when a period of disability ends). These changes will result in a moderate increase in program costs.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—second quarter in FY 1983.

Other Regulations

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Payments to States for Successful Rehabilitation Services

b. *Agency Contact*—Name: Harry Short. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7337.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subpart V, and 416, Subpart V.

e. *Legal Authority*—Pub. L. 97–35, Sections 2209 and 2344.

f. *Abstract*—This regulation will implement provisions of the Omnibus Budget Reconciliation Act of 1981. These provisions provide for replacement of the system under which State Vocational Rehabilitation (VR) agencies were given a lump sum advance to cover costs they might incur in attempting to rehabilitate beneficiaries with a system under which States or other participants will be paid on a case-by-case basis, though they may continue to get lump sum advances. The regulation will limit reimbursement for VR services to cases of successful rehabilitation attributable to VR involvement. Program savings are anticipated through FY 1983.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on October 14, 1981 (46 FR 50756). Next Stage: Publication of a Final Regulations—second quarter in FY 1983.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Megacap DIB Reductions

b. *Agency Contact*—Name: Armand Esposito. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7455.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart E.

e. *Legal Authority*—Section 224 of the Social Security Act (42 U.S.C. 424) as amended by Section 2208 of Pub. L. 97–35.

f. *Abstract*—This interim regulation will implement statutory cost reduction provisions in the disability program (1) by offsetting disability benefits with other public disability payments (in addition to workmen's compensation); (2) by extending the period of offset through age 64; (3) by authorizing offset for the first month for which the worker is entitled to workmen's compensation regardless of when SSA receives notice of such entitlement; and (4) by providing that "reverse" offset under State law would not preclude Federal offset unless the State law was in effect on February 18, 1981. These changes will result in savings to the social security disability trust fund.

g. *Timetable*—Past Actions: None. Next Stage: Publication of an Interim Regulation—third quarter in FY 1983.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Coverage of Employees of State and Local Governments

b. *Agency Contact*—Name: Armand Esposito. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7455.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart M.

e. *Legal Authority*—42 U.S.C. 418 and 1302.

f. *Abstract*—This proposed regulation reflects policies and procedures concerning agreements between States and the Secretary for Social Security coverage of State and local employees, termination of those agreements, payment of Social Security contributions, filing of wage reports by States, charging interest for late payments, etc. The current rules need to be organized into a logical sequence and to be updated to reflect many policies which SSA has followed for many years. In preparing this regulation, we reviewed all policies to assess their impact on the trust funds and to reduce recordkeeping burdens. This proposed regulation primarily reflects current policies so that any program and administrative savings will be minimal.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on September 28, 1979 (44 FR 55899). On September 26, 1980 we published a Notice of Availability of a working draft of these proposed regulations (45 FR 63868). Next Stage: Publication of a Notice of Proposed Rulemaking—second quarter in FY 1983.

a. Title—Old Age, Survivors, and Disability Insurance Program; Repeal of OASDI Minimum Benefit Provision; Rounding of Benefits

b. *Agency Contact*—Name: Phil Berge. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7452.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subparts C, D, and E.

e. *Legal Authority*—Pub. L. 97–35, Sections 2201 and 2206; Pub. L. 97–123, Section 2.

f. *Abstract*—This proposed regulation explains that effective January 1982 there is, in general, no longer a minimum primary insurance amount (PIA). Instead, the PIA is the amount computed based on the individual's earnings. The regulation also explains the amended rules on rounding, i.e., amounts computed will be rounded down to the next lower multiple of $.10 at intermediate steps of the calculation and the next lower $1 at the final step. The repeal of the minimum benefit will result in decreased OASDI benefits, but will increase costs to the Supplemental Security Income program as more people become eligible for Supplemental Security Income benefits.

The amended rules on rounding will result in program savings.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—second quarter in FY 1983.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Fee Schedule for Furnishing Information

b. *Agency Contact*—Name: Armand Esposito. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7455.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 401 and 422 Subpart E.

e. *Legal Authority*—P.L. 97–35 (2207); 42 U.S.C. 405, 1302, and 1306.

f. *Abstract*—The substantive changes in these rules conform current rules on who can deny or release a record to those published in final by HHS on May 12, 1982 at 47 FR 20309. They conform the SSA Freedom of Information Act (FOIA) fee schedule to that proposed by HHS in a Notice of Proposed Rulemaking published on April 12, 1982 at 47 FR 15610. They also announce a fee schedule under which we will charge the full cost of providing certain records as allowed by section 2207 of the Omnibus Budget Reconciliation Act of 1981. Although it is mandatory, the proposed HHS FOIA fee schedule and our proposed fee schedule to charge full cost of providing certain records will result in savings to the Social Security trust funds by permitting SSA to charge more than currently allowed for providing records and record related services.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—third quarter in FY 1983.

a. Title—Aid to Families With Dependent Children Program; Federal Financial Participation in the Cost of a Statewide Mechanized Claims Processing and Information Retrieval System

b. *Agency Contact*—Name: John Gallagher. Title: Director, Division of State Systems Management. Address: Office of Family Assistance, 2100 Second St. SW., Washington, D.C. 20024. Phone: (202) 245–2133.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the

Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—45 CFR Part 205.

e. *Legal Authority*—42 U.S.C. 602(a), 603(a)(3), and 613, as amended by sec. 406 of Pub. L. 96–265.

f. *Abstract*—The regulation will make available, at State option, 90 percent matching funds for the planning, design, development, and installation of a statewide claims processing and information retrieval system for the AFDC program. The 90 percent matching includes the purchase or rental of computer equipment and software used for the operation of this system. The regulation will result in short-run administrative costs, but is expected to result in greater long-run program savings through increased accuracy of processing.

g. *Timetable*—Past Actions: An Interim Regulation was published September 30, 1981 (46 FR 47784). Next Stage: Publication of a Final Regulation—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Filing of Applications and Other Forms, Withdrawal of an Application

b. *Agency Contact*—Name: Larry Dudar. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–6629.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart G.

e. *Legal Authority*—42 U.S.C. 405 and 1302.

f. *Abstract*—The proposed regulation would permit a person eligible for widow's or widower's benefits to withdraw a deceased worker's application for reduced old-age benefits if the worker died before SSA certified the worker's entitlement to the Treasury Department for payment. The change would permit avoidance of the reduction in widow's or widower's benefits that is required where the worker was entitled to benefits reduced because of his or her age. The reduction appears inequitable if the worker died before his or her entitlement was certified. The regulation would result in some program costs and negligible administrative costs.

g. *Timetable*—Past Action: A Notice of Decision to Develop Regulations was published March 2, 1982 (47 FR 8789). Next Stage: Publication of a Notice of Proposed Rulemaking—first quarter in FY 1983.

a. Title—Aid to Families with Dependent Children Program; Disclosure of Information for Audits

b. *Agency Contact*—Name: Helen Hamilton. Title: Program Specialist. Address: Office of Family Assistance, SSA, 2100 Second St., SW., Washington, D.C. 20024. Phone: (202) 245–3341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—45 CFR 205.50.

e. *Legal Authority*—42 U.S.C. 1302; 42 U.S.C. 602 as amended by sec. 403(a) of Pub. L. 96–265.

f. *Abstract*—This regulation permits disclosure of information concerning applicants for and recipients of financial assistance under title IV–A of the Social Security Act. Disclosure is permitted for purposes of program audits conducted by any governmental entity authorized by law to conduct such audits. The change implements sec. 403(a) of the Social Security Disability Amendments of 1980. This regulation will result in a negligible administrative costs.

g. *Timetable*—Past Actions: An Interim Regulation was published on May 3, 1982 (47 FR 18879). Next Stage: Publication of Final Regulation—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Medicaid Eligibility Determinations

b. *Agency Contact*—Name: Cliff Terry. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone (301) 595–7519.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart U.

e. *Legal Authority*—42 U.S.C. 1302, 1383, 1383c, and 4222.

f. *Abstract*—The proposed regulation gives the rules under which SSA agree to make determinations of Medicaid eligibility for Supplemental Security Income (SSI) beneficiaries on behalf of States and to give States other assistance in Medicaid program administration. The agreements avoid duplication of effort between State and Federal governments and simplify the Medicaid application process for applicants. This revision makes the rules clearer and easier to read. The rules also provide for SSA'a making Medicaid determinations for a State that implements sec. 1912 of the Social Security Act. Sec. 1912 authorizes a State to require, as a condition of Medicaid eligibility, that a person assign to the State any rights he or she has to payments from someone else for medical care. The regulations will result in no program or administrative costs or savings for SSA.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on June 19, 1979 (44 FR 35241). Next Stage: Publication of a Notice of Proposed Rulemaking—third quarter in FY 1983.

a. Title—Supplemental Security Income Program; Deeming of Income and Resources

b. *Agency Contact*—Name: Fred Miranda. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subparts K and L.

e. *Legal Authority*—Pub. L. 97–35 section 2176; Section 1915(c) of the Social Security Act.

f. *Abstract*—This regulation, provides that until April 30, 1983 the Secretary, in appropriate circumstances, will not apply the SSI rules for deeming certain family members income and resources to a noninstitutionalized individual. This will enable such individual to qualify for or retain eligibility for Medicaid benefits until States have had time to develop appropriate programs of home and community based services under their Medicaid programs.

g. *Timetable*—Past Actions: An Interim regulation was published on June 4, 1982 (47 FR 24274). Next Stage: Publication of Final Regulation—date of next stage is undetermined.

a. Title—Supplemental Security Income Program; Mandatory Application For Earned Income Tax Credits

b. *Agency Contact*—Name: Rita Hauth. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7460.

c. *Effects on Small Businesses and Other Entities*—The regulation is not

expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart B.

e. *Legal Authority*—Section 611(e)(2) Commissioner's Decision 5/17/82.

f. *Abstract*—These rules add earned income tax credits (EITC's) as another example of the type of payments for which an individual must apply and pursue (if so directed by SSA) in order to be eligible for SSI benefits.

g. *Timetable*—Past Actions: None. Next Stage: Publication of Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Supplemental Security Income Program; Reductions, Suspensions and Terminations

b. *Agency Contact*—Name: Charles H. Campbell. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 597-3408.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart M.

e. *Legal Authority*—U.S.C. 1302, 1382, 1382c, 1382d, and 1383.

f. *Abstract*—This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. These regulations include changes in the present rules that are required by recent statutory enactments and, additionally, make the rules easier to read and understand. This regulation will have no impact on SSA programs and administrative costs.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on June 19, 1979 (44 FR 35241). Next Stage: Publication of a Notice of Proposed Rulemaking—third quarter in FY 1983.

a. Title—Aid to Families with Dependent Children Program; General Administration—Public Assistance Programs Quality Control Reviews

b. *Agency Contact*—Name: Sean Hurley. Title: Program Policy Specialist. Address: Office of Family Assistance, Room 1416, Switzer Bldg., 330 "C" St. SW., Washington, D.C. 20201. Phone: (202) 245-0976.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—45 CFR 205.40.

e. *Legal Authority*—42 U.S.C. 602(a) and 1302.

f. *Abstract*—This regulation requires State agencies to submit to SSA their review findings from their sample cases according to a schedule. We are requiring the scheduled submission of this data so that it is more readily available and reports concerning this data are completed on a timely basis. Also, timely data on payment error rates will assist administrators in determining where funds are being lost. These regulations will involve no significant increase in costs.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on October 24, 1980 (45 FR 70521). Next Stage: Publication of a Final Regulation—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Exception to Status as Resident of a Public Institution for Educational and Vocational Training

b. *Agency Contact*—Name: Rita Hauth. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7457.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart B.

e. *Legal Authority*—42 U.S.C. 1302, 1381a, 1382, 1382c, and 1383.

f. *Abstract*—This proposed regulation has been developed because SSA has begun to receive applications on behalf of severely retarded individuals in public institutions. Individuals in public educational institutions enrolled in or registered for education or vocational training have been excluded from the status as a resident of a public institution and, thus, may be eligible for SSI benefits. This proposed rule would restrict the exception to residents in public educational institutions primarily to receive educational or vocational training. The education or vocational training must have the objective of gainful employment. Adoption of this proposed regulation will entail no program costs but will prevent anticipated program and administrative costs.

g. *Timetable*—Past Actions: None. Next State: Publication of a Notice of Proposed Rulemaking—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Sheltered Workshops and Earned Income Tax Credits

b. *Agency Contact*—Name: Rita Hauth. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7457.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart K.

e. *Legal Authority*—Pub. L. 96-222; Pub. L. 96-265.

f. *Abstract*—The regulations provide that sheltered workshop remuneration is earned income as of 10/1/80 and that earned income tax credits are earned income as of 1/1/80. The regulations eliminate the need to determine whether sheltered workshop services are employment or therapy—which determines whether remuneration received is earned or unearned income. Earned income is advantageous to a beneficiary as it provides greater exclusions and higher benefits. The earned income tax credits, which did not affect benefits prior to 1980, would have been unearned income as of 1980 and would have resulted in lower benefits, if this law had not been enacted. The administrative costs from both provisions will be negligible while generating some program savings.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on January 19, 1981 (46 FR 4949). Next Stage: Publication of Final Regulation—second quarter in FY 1983.

a. Title—Supplemental Security Income Program; Age 18 and Alien Deeming

b. *Agency Contact*—Name: Rita Hauth. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7457.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart K.

e. *Legal Authority*—Pub. L. 96–265, sections 203 and 504.

f. *Abstract*—This regulation provides that deeming of parental income and resources to an eligible child ends when a child reaches age 18 unless a savings clause applies to children between 18 and 21, and that a sponsor's income and resources are deemed to an alien for a period of three years after admission for aliens who first apply for SSI benefits after September 30, 1980. The regulation eliminates different treatment of children aged 18 to 21 depending on status as students, and assumes that sponsors will support aliens and sets more rigid rules for the sponsor to alien deeming than apply to other deeming categories.

Section 203 of Pub. L. 96–265, which pertains to age 18 deeming, will generate minimal program savings and insignificant cost outlays. However, section 504 of Pub. L. 96–265, which pertains to sponsor to alien deeming, will result in some cost savings as well as program savings.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on November 14, 1980 (45 FR 75225). A Notice of Proposed Rulemaking was published on December 10, 1981 (46 FR 6047). Next Stage: Publication of Final Regulation—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Eligibility, Amount of Benefits, Income, Resources, State Supplementary Provisions, Agreements, Payments

b. *Agency Contact*—Name: Rita Hauth. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7457.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subparts B, D, K, L, and T.

e. *Legal Authority*—Pub. L. 97–35, Section 2341.

f. *Abstract*—This regulation will implement statutory provisions for retrospective monthly accounting and spell out how they affect various regulations that deal with eligibility for and the amount of SSI benefits. This regulation will implement a significant change from quarterly to monthly determinations of eligibility and benefit amount. Although in the first year (1982) of implementation of retrospective monthly accounting there will be an administrative cost, it will be followed by an administrative saving thereafter. Some significant program costs are projected in 1982 through 1984 and neither cost nor savings in 1985.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on October 29, 1981 (46 FR 53449). Next Stage: Publication of Final Regulation—second quarter in FY 1983.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Limitation on Prospective Life of Application

b. *Agency Contact*—Name: Phil Berge. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7452.

c. *Effects on Small Business and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subparts G & J, and 416, Subparts C & N.

e. *Legal Authority*—Pub. L. 96–265, Section 306.

f. *Abstract*—These rules should promote final resolution of cases at the hearing stage and help to reserve appeals council review for cases of a genuinely appellate nature. These rules specify that if a person files an application for benefits before the first month he or she meets all requirements for entitlements, we will allow the claim only if he or she meets all requirements before a hearing decision is issued (if a hearing is held). These rules will generate program savings and administrative costs and savings.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on September 16, 1980 (45 FR 61315). Next Stage: Publication of a Notice of Proposed Rulemaking—third quarter in FY 1983.

a. Title—Aid to Families With Dependent Children Program; Adjustment for Federal Share for Uncashed Checks

b. *Agency Contact*—Name: Charles H. Campbell. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 597–3408.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—CFR 205.44.

e. *Legal Authority*—42 U.S.C. 303, 603(a), 1203, 1302, 1353, and 1383(note).

f. *Abstract*—This regulation establishes a uniform policy for a State to return to the Federal government its share of uncashed or cancelled assistance checks. A GAO audit disclosed many instances where these uncashed or cancelled checks were not refunded to the Federal government. This regulation will result in significant program savings.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on November 14, 1980 (45 FR 75244). Next Stage: Publication of a Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Experiments and Demonstration Projects Under the Disability Insurance and Supplemental Security Income Programs

b. *Agency Contact*—Name: Henry Lerner. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7414.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subparts D and P, and 416, Subparts B and I.

e. *Legal Authority*—42 U.S.C. 1310; Section 505 of Pub. L. 96–265.

f. *Abstract*—The Social Security Disability Amendments of 1980 authorized the Secretary to conduct experiments and demonstration projects in the DI and SSI programs. These rules will authorize modification of the requirements for disability benefits and SSI benefits when a person has been selected to participate in an experiment or demonstration project. We estimate that this regulation will have minimal program and administrative costs. The expenditures for FY 1982, 1983, and 1984 for the experiments are provided for in the Department's operating budget.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on April 12, 1982 (47 FR 15602). Next Stage: Publication of Final Regulation—second quarter in FY 1983.

a. Title—Supplemental Security Income Program; Disposing of Resources for Less Than Fair Market Value

b. *Agency Contact*—Name: Henry Lerner. Title: Legal Assistant. Address: Social Security Administration, Office of

Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7414.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart L.

e. *Legal Authority*—42 U.S.C. 1302, 1382b, and 1383; Section 5 of Pub. L. 96–611.

f. *Abstract*—This regulation provides that an individual (or eligible spouse) who gives away or sells any nonexcludable resource for less than fair market value for the purpose of establishing SSI eligibility will have the uncompensated value of those resources counted toward the resource limit for 24 months from the date of disposal. This type of transfer is presumed to be for the purpose of establishing SSI eligibility unless the individual can present convincing evidence that the transfer (disposal) was exclusively for some other purpose. Administrative costs will be minimal; however, there will be a saving in program costs.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on October 22, 1981 (46 FR 51778). Next Stage: Publication of Final Regulation—second quarter in FY 1983.

a. Title—Supplemental Security Income Program; Resources

b. *Agency Contact*—Name: Henry Lerner. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7414.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart L.

e. *Legal Authority*—42 U.S.C. 1302, 1382, 1382b, 1382c, and 1383.

f. *Abstract*—Those proposed rules describe what we mean by resources, how we count resources, and how resources affect eligibility for SSI benefits. We estimate that administrative and program costs will be minimal for these regulations.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on March 27, 1979 (44 FR 12837). Next Stage: Publication of a Notice of Proposed Rulemaking—first quarter in FY 1983.

a. Title—Aid to Families With Dependent Children Program; Computing a Supplemental Payment in States Required to do so By Section 402(a)(28) of the Social Security Act

b. *Agency Contact*—Name: Alice Stewart. Title: Program Specialist. Address: Office of Family Assistance, Room B411, TransPoint Bldg., 2100 Second St. SW., Washington, D.C. 20024. Phone: (202) 426–6200.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—45 CFR 232.21, 233.20, 302.32.

e. *Legal Authority*—42 U.S.C. 602 and 1302.

f. *Abstract*—This regulation will require that eligibility be based on the current month's reported support payments, and each month's supplemental payment be based on the largest part of the amount collected in the current month that would not cause ineligibility. It will provide uniform and equitable redeterminations of eligibility and payment amounts. This regulation will result in minimal costs.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on May 18, 1979 (44 FR 29122). A Notice of Proposed Rulemaking was published on February 15, 1980 (45 FR 8322). Next Stage: Publication of Final Regulations—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Annual Earnings Test

b. *Agency Contact*—Name: Marval Cazer. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7463.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart E.

e. *Legal Authority*—Pub. L. 97–35, section 2204.

f. *Abstract*—This proposed regulation delays from January 1982 until January 1983 (except for certain fiscal year beneficiaries) full implementation of section 302(a), Pub. L. 95–216, which reduced from 72 to 70 the age at which Social Security benefits are no longer subject to an earnings test. It delays for one year the removal of all earnings test restrictions for workers at age 70. This regulation will result in significant program savings.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on May 26, 1982 (47 FR 22965). Next Stage: Publication of Final Regulations—second quarter in FY 1983.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Changes to the Retirement Test

b. *Agency Contact*—Name: Marval Cazer. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7463.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart E.

e. *Legal Authority*—Pub. L. 96–473, Sections 1, 3, and 4.

f. *Abstract*—This regulation contains the rules that will eliminate some of the harsh and unintended effects of the Social Security Amendments of 1977. The provisions of the regulation (1) permit the use of the monthly earnings test by certain beneficiaries in the year that their entitlement terminates for a reason other than death; (2) exclude, for the purposes of the annual earnings test, self-employment income received in a year after the initial year of entitlement not attributable to services performed after the month of entitlement; and (3) provide all beneficiaries the use of the monthly earnings test in at least one year after 1977. The regulation will generate minimal administrative savings and some program costs which are outlined in the 1983 President's Budget.

g. *Timetable*—Past Actions: An Interim Regulation was published on February 10, 1982 (47 FR 5999). Next Stage: Publication of Final Regulations—first quarter in FY 1983.

a. Title—Aid to Families With Dependent Children Program; Proration of Shelter, Utilities, and Similar Expenses for AFDC Children Living With Ineligible Relatives

b. *Agency Contact*—Name: Roy Simon. Title: Policy Specialist. Address: Office of Family Assistance, Room B–416, Transpoint Building, 2100 Second St. SW., Washington, D.C. 20024. Phone: (202) 245–2021.

c. *CFR Citation*—45 CFR 233.

d. *Abstract*—The regulation would have provided that a State could prorate the shelter, utilities, and similar needs of specified assistance units living with closely related family members who are ineligible for AFDC. However, the need for this regulation is superseded by Congressional enactment of section 155 of the Tax Equity and Fiscal Responsibility Act of 1982.

e. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on December 16, 1980 (45 FR 82681). A Notice of Proposed Rulemaking was published on October 31, 1981 (46 FR 53720). Next Stage: Publication of notice to withdraw Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Benefits for Certain Prisoners

b. *Agency Contact*—Name: Dave Smith. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21245. Phone: (301) 594–7336.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subparts D, E, and P.

e. *Legal Authority*—Pub. L. 96–473, Section 5.

f. *Abstract*—The regulation places certain restrictions on the payment of benefits based on disability and student status to persons who have been convicted of a felony and are imprisoned. The rules specify the conditions under which these benefits will not be paid to an imprisoned felon and how a finding of disability may be affected where the person's imprisonment is connected with his or her commisison of a felony or the disability alleged arises out of imprisonment. There will be program savings and administrative costs as a result of the regulations.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on June 11, 1982 (47 FR 25376). Next Stage: Publication of Final Regulations—second quarter in fiscal year 1983.

a. Title—Old-Age, Survivors and Disability Insurance Program; Changes in Lump-Sum Death Payment, Month of Entitlement, Mothers and Fathers Benefits and Student Benefits

b. *Agency Contact*—Name: Dave Smith. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7336.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart D.

e. *Legal Authority*—Pub. L. 97–35, Sections 2202, 2203, 2205, and 2210.

f. *Abstract*—The regulation limits lump-sum death payments to widows, widowers, or dependent children, provides for terminating mother's and father's benefits when the child becomes age 16, changes the first month of entitlement for certain benefits, phases out over a 4-year period benefits payable to students, and otherwise significantly limits benefit payments to students. There are program and administrative savings as a result of these provisions.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on July 29, 1982 (47 FR 32732). Next Stage: Publication of Final Regulation—third quarter in fiscal year 1983.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Revision of Totalization Benefit Computation

b. *Agency Contact*—Name: David Smith. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7336.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a signficant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart T.

e. *Legal Authority*—42 U.S.C. 433.

f. *Abstract*—The proposed regulation changes the method by which totalization benefits are computed. Current rules can cause undesirable program results and are difficult to administer. No additional costs are involved. Administrative savings are negligible.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—third quarter in fiscal year 1983.

a. Title—Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Deduction of Impairment-Related Work Expenses

b. *Agency Contact*—Name: David Smith. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (303) 594–7336.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subpart P and 416, Subpart I.

e. *Legal Authority*—Pub. L. 96–265, Section 302.

f. *Abstract*—This regulation provides for the deduction from earnings of certain impairment-related work expenses in determining: (1) whether a disabled person has done substantial gainful activity; and (2) the amount of a disabled person's earned income for SSI purposes. The rules specify the kinds of expenses that may be deducted and the manner in which the deductions will be made. The rules will encourage disabled persons to work by enabling them to deduct certain work expenses. There will be additional program and administrative costs as a result of these regulations.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on January 6, 1982 (47 FR 9642). Next Stage: Publication of Final Regulation—second quarter in FY 1983.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Revised Medical Criteria for Determination of Disability

b. *Agency Contact*—Name: Fred Miranda. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibilty Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart P.

e. *Legal Authority*—Sections 205, 1102, and 1631 of the Social Security Act.

f. *Abstract*—The regulation revises the medical evaluation criteria used in making Social Security and SSI disability determinations. The changes

reflect advances in medical treatment of some conditions and in the methods of evaluating others. Since no significant change in disability allowance and denial rates is expected to result from these changes in the regulations, there will be little, if any, impact on costs (both program and administrative).

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on May 6, 1982 (47 FR 19619). Next Stage: Publication of Final Regulation—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Extension of Trial Work Period and Reinstatement of Benefits

b. *Agency Contact*—Name: Harry Short. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7337.

c. *Effects on Small Businesses and Other Entities*—The regulation in not expected to have significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subpart P, and 416, Subpart I.

e. *Legal Authority*—Pub. L. 96–265, Section 303.

f. *Abstract*—This proposed regulation will provide persons who remain disabled and who have completed a trial work period with an additional period of 15 months in which to continue to test their ability to work. During this period a person may be paid benefits for all months in which he or she does not do substantial gainful activity. The regulation also extends the trial work period provisions (and the additional period) to widows, widowers, and surviving divorced wives. These changes will have only a negligible effect on program costs.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on November 14, 1980 (45 FR 75225). Next Stage: Publication of Notice of Proposed Rulemaking—second quarter in FY 1983.

a. Title—Aid to Families With Dependent Children Program; Least Costly Approach

b. *Agency Contact*—Name: Jack Schanberger. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–6785.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibilty Act (5 U.S.C 601(6)).

d. *CFR Citation*—45 CFR 205, 206, 233, 234, and 235.

e. *Legal Authority*—42 U.S.C. 602, 605, 606, and 1302.

f. *Abstract*—This regulation will affect a number of provisions of the AFDC program. It will result in savings to State and Federal governments and will ease the paperwork burden of the States. The changes may include provisions on restricted payments, hearings, State training plans, durational period of incapacity, and others that will result in a "least costly" approach to the administration of AFDC. This regulation will result in dollar savings and the relief of administrative burdens that we expect to accrue.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Time Limitations for Issuing Hearing Decisions and for Appeals Council Actions

b. *Agency Contact*—Name: Joy Loving. Title: Director, Division of Program Development. Address: Office of Policy and Procedures, Office of Hearings and Appeals, 106 Webb Building, 4040 N. Fairfax Drive, Arlington, Va. 22203. Phone: (703) 235–8524.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subpart J and 416, Subpart N.

e. *Legal Authority*—42 U.S.C. 405(a), 1302, 1320, 1383, and 1395.

f. *Abstract*—This regulation provides time limits for issuing hearing decisions and for certain actions by the Appeals Council as ordered by the U.S. District Court for the Western District of Kentucky in the *Blankenship* and *Finch* cases (except for SSI non-disability hearings, for which time limits already exist). Draft regulation is pending further court action.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on February 27, 1980 (45 FR 12837). Next Stage: Next action stage undetermined at this time.

Reviews of Existing Regulations

(None at this time that have not already reached the current and projected rulemaking stage.)

Completed Actions

a. Title—Federal Coal Mine Health and Safety Act of 1969, Title IV—Black Lung Benefit (1969—); Withholding Part B Black Lung Benefits to Recover Part C Overpayments

b. *Agency Contact*—Name: Jack Schanberger. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7459.

c. *CFR Citation*—20 CFR Part 410, Subpart C.

d. *Timetable*—Past Actions: A Final regulation was published on May 4, 1982 (47 FR 19116).

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continued Payment of Benefits to Persons in Approved Vocational Rehabilitation Programs

b. *Agency Contact*—Name: Harry Short. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7337.

c. *CFR Citation*—20 CFR Parts 404, Subparts D, J, and P and 416, Subparts M & N.

d. *Timetable*—Past Actions: A Final regulation was published on July 21, 1982, (47 FR 31539).

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Insurance Programs; Representative Payee

b. *Agency Contact*—Name: Phil Berge. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7452.

c. *CFR Citation*—20 CFR Parts 404, Subpart Q and 416, Subpart F.

d. *Timetable*—Past Actions: A Final regulation was published on July 14, 1982 (47 FR 30468).

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Experiment to Improve the Hearing Process Through the Involvement of SSA Representatives

b. *Agency Contact*—Name: Joy Loving. Title: Director, Office of Policy and Procedures. Address: Office of Hearings and Appeals, 106 Webb Building, 404 N. Fairfax Drive, Arlington, Va. 22203. Phone: (703) 235–8524.

c. *CFR Citation*—20 CFR Parts 404, Subpart J and 416, Subpart N.

d. *Timetable*—Past Actions: A Final regulation was published on August 19, 1982 (47 FR 36117).

a. Title—Old-Age, Survivors, and Disability Insurance Program; Computing Primary Insurance Amounts, Reorganization of Subpart, and Changes in Computing Dropout Years for Workers Entitled to Disability Insurance Benefits

b. *Agency Contact*—Name: Jack Schanberger. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland, 21235. Phone: 594–6785.

c. *CFR Citation*—20 CFR Part 404, Subpart C.

d. *Timetable*—Past Actions: A final regulation was published on July 15, 1982 (47 FR 30731).

OFFICE OF CHILD SUPPORT ENFORCEMENT

I. Current and Projected Rulemaking

I.A. Priority Regulations

a. Title: Reduction in Certain Federal Payments to States under the Child Support Enforcement Program

b. *Agency Contact:* Pierre Mooney, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entitlies:* None.

d. *CFR Citation:* 45 CFR 303.52, 45 CFR Part 304.

e. *Legal Authority:* Section 174 of the Tax Equity and Fiscal Responsibility Act of 1982, 42 U.S.C. 655 and 658.

f. *Abstract:* This regulation implements section 174 which reduces Federal matching for State administrative costs from 75 percent to 70 percent effective October 1, 1982. Incentive payments to States and political subdivisions for the collection of child support would be reduced from 15 percent to 12 percent of the amount collected effective October 1, 1983. Federal matching under section 455(c) of the Act for the costs of certain court personnel who perform child support enforcement activities would be eliminated as of October 1, 1983.

g. *Timetable:* A final regulation is expected to be published in the **Federal Register** during the first quarter of FY 1983.

a. Title: Reimbursement of State Agency in Initial Month of Ineligibility for AFDC

b. *Agency Contact:* Carol Jordan, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 302.32

e. *Legal Authority:* Section 173 of the Tax Equity and Fiscal Responsibility Act of 1982, 42 U.S.C. 654(5).

f. *Abstract:* Under former law, amounts of child support collected which were sufficient to make the family ineligible for AFDC had to be paid to the family beginning with the first month of ineligibillity.

The regulation would implement section 173 which requires that amounts collected which are sufficient to make the family ineligible for AFDC are to be retained by the State rather than paid to the family. This would allow the State to reimburse itself for AFDC that would have already been paid for that month, before the support was collected and known to have made the family ineligible. Thus, the family would not receive a double payment for the first month of ineligibility, once in the form of child support collected which was sufficient to make the family ineligible for AFDC and once in the form of the child support collection for that month.

g. *Timetable:* A notice of proposed rulemaking is expected to be published in the **Federal Register** during the first quarter of fiscal year 1983.

a. Title: Fees for Services to Non-AFDC Families

b. *Contact:* Michael Fitzgerald, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects of Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 302.33 and 304.50.

e. *Legal Authority:* Section 171 of the Tax Equity and Fiscal Responsiblity Act of 1982, 42 U.S.C. 654(6).

f. *Abstract:* Law prior to Pub. L. 97–35 allowed States to provide child support enforcement services to non-AFDC families without charge or to charge the custodial parent an application fee of up to $20 (regardless of the services provided) and to recover costs in excess of the application fee by retaining a portion of any child support payments which were collecteD. Pub. L. 97–35 maintained the option of charging an application fee (except if only collection services were provided) and replaced the optional provision of recovering costs in excess of the application fee by retaining a portion of the collection with a requirement that States impose a fee equal to 10 percent of the support owed, to be charged against the absent parent and added to the amount of the collection.

Section 171 repeals the Pub. L. 97–35 10 percent fee amendment and restores the provision of prior law under which States have an option as to whether or not to recover costs in excess of the application fee and to charge the application fee for any services provided. It gives States the additional option of allowing them to recover costs either from the absent parent or from the custodial parent.

If a State elects to collect from the custodial parent (by deducting the costs from the amount of support which is collected), the State must have in effect a procedure for informing all individuals authorized to establish support obligations that it plans to recover costs from collections. The effective date is August 13, 1981. This notice of proposed rulemaking will implement section 171.

g. *Timetable:* A notice of proposed rulemaking is expected to be published in the **Federal Register** during the first quarter of fiscal year 1983.

a. Title: Collection of Past-Due Support from Federal Tax Refunds

b. *Agency Contact:* Carol Jordan, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 302.60 and 303.72.

e. *Legal Authority:* Pub. L. 97–35, 42 U.S.C. 664 and 654(18).

f. *Abstract:* These final regulations require child support enforcement agencies to have and use procedures to obtain payment of past-due support from over-payments of Federal income tax. These regulations will also contain procedures for agencies to follow in implementing this tax refund offset collection method. The tax refund offset procedure is estimated to lead to collections of $140 million in tax year 1981 based on the submittal of 550,000 cases.

g. *Timetable:* An interim final regulation with comment period was published in the **Federal Register** on February 19, 1982. Responses to comments received and changes to the regulation are expected to be published in the **Federal Register** during the first quarter of fiscal year 1983.

a. Title: Collection of Support for Certain Adults

b. *Agency Contact:* Marianne Rufty, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citations:* 45 CFR Parts 301 through 305.

e. *Legal Authority:* Section 171 of the Tax Equity and Fiscal Responsibility Act of 1982 and section 2332 of Pub. L. 97–35, 42 U.S.C. 651; 42 U.S.C. 652(a)(1), (7), (10)(C); 42 U.S.C. 652(b); 42 U.S.C. 653(c)(1); 42 U.S.C. 654(4)(B), (5), (6), (9)(C), (11), (16); 42 U.S.C. 657 (b), (c); and 42 U.S.C. 660.

f. *Abstract:* The final regulations provide that, at its option, a State may collect and enforce support obligations from an absent parent both for the children and the spouse or former spouse with whom the children are living. A State may not attempt to establish a separate spousal support obligation and may collect spousal support only if the existing support obligation includes both child and spousal support. If a State chooses to collect spousal support, it may use all exisiting collection mechanisms and enforcement remedies used to collect and enforce child support.

g. *Timetable:* A final regulation is expected to be published in the **Federal Register** during the first quarter of fiscal year 1983.

a. Title: Intercept of Unemployment Benefits

b. *Agency Contact:* Carol Jordan, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 302.65.

e. *Legal Authority:* Section 2335 of Pub. L. 97–35; 42 U.S.C. 654(19).

f. *Abstract:* These regulations would require child support enforcement agencies to determine periodically whether any individuals receiving unemployment compensation owe child support obligations and, if so, to enforce the obligations through an agreement with the individual to have specified amounts withheld from the compensation. In the absence of an agreement, the child support enforcement agency would be required to use legal process in appropriate cases to enforce the withholding. State child support enforcement agencies would be required to reimburse State unemployment compensation agencies for the administrative costs of their efforts to enforce child support obligations.

g. *Timetable:* A notice of intent to publish regulations was published in the **Federal Register** on February 2, 1982. The notice of proposed rulemaking is expected to be published during the first quarter of FY 1983.

I.B. Other Regulations

a. Title: Computerized Child Support Enforcement System

b. *Agency Contact:* Michael Fitzgerald, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 302.85, 303.65, 303.66, 303.67, 304.90 and 304.91.

e. *Legal Authority:* Section 405 of Pub. L. 96–265; 42 U.S.C. 652 (d) and (e), 655(a) and 654(16).

f. *Abstract:* These final regulations make Federal funding available at the 90 percent rate for the costs of developing, implementing and enhancing computerized child support enforcement systems (CSES) that meet the requirements in the regulations; they also specify criteria OCSE uses in determing whether to approve an initial and annually updated advance planning document (APD) so that the system will receive 90 percent FFP; they specify that OCSE must review approved CSESs funded at 90 percent FFP on a continuous basis; they specify the conditions under which OCSE will suspend approval of an APD for systems funded at 90 percent FFP; and they make explicit the conditions under which FFP is available at the 70 percent rate of CSESs.

g. *Timetable:* An interim final regulation with a 60-day comment period was published in the **Federal Register** on September 30, 1981. Responses to comments received on the interim final rule and changes to the regulation are expected to be published during the first quarter of FY 1983.

a. Title: Requests to Use the Federal Parent Locator Service in Parental Kidnapping and Child Custody Cases

b. *Agency Contact:* Judy Hagopian, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 302.35, 303.15, 303.69, 303.70, 304.20 and 304.23.

e. *Legal Authority:* Section 9 of Pub. L. 96–611, 42 U.S.C. 654(17), 655, and 663.

f. *Abstract:* These regulations provide that a State may enter into an agreement with the Secretary to use the Federal Parent Locator Service (PLS) in connection with the enforcement or determination of child custody and in cases of parental kidnapping of a child. Previously the Social Security Act permitted States to obtain information from the Federal PLS only for the purpose of locating absent parents to establish paternity or establish or enforce child support obligations.

Pub. L. 96–611 provides no Federal funding for the use of the Federal PLS in connection with parental kidnapping and child custody cases. The States must, however, impose a fee sufficient to cover, or pay, the costs to the Federal and State governments for providing this service. Initially, OCSE will charge a fee of $10 per request with an additional $4 fee for requests without social security numbers. These fees are expected to offset Federal costs of providing the information to the States.

g. *Timetable:* A final regulation with comment period was published in the **Federal Register** on November 3, 1981. Responses to comments received on the final regulation and changes to the regulation are expected to be published during the first quarter of FY 1983.

a. Title: Treatment of Assigned Support Payments Received Directly and Retained by AFDC Recipients

b. *Agency Contact:* Elizabeth Matheson, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 232.12, 233.20, 302.31 and 303.80.

e. *Legal Authority:* 42 U.S.C. 652(a), 42 U.S.C. 1302.

f. *Abstract:* These joint Office of Family Assistance (OFA)–OCSE regulations will provide regulatory authority for child support enforcement agencies to recover support payments that have been assigned to the State as a condition of eligibility for receiving AFDC when these support payments have been incorrectly made directly to the family. Under current regulations, the AFDC agency must treat these support payments as income to the family and reduce the AFDC grant accordingly. These regulations will give States the flexibility to use either the child support or AFDC agency in resolving a direct payment problem.

g. *Timetable:* The final regulation with comment period is expected to be published in the **Federal Register** by the end of September 1982.

a. Title: FFP in the Costs of Cooperative Agreements with Courts and Law Enforcement Officials

b. *Agency Contact:* Michael Fitzgerald, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Business:* None.

d. *CFR Citation:* 45 CFR 304.21.

e. *Legal Authority:* Section 404 of Pub. L. 96–265, 42 U.S.C. 655(c).

f. *Abstract:* These final regulations will implement the requirements of section 404 of Pub. L. 96–265, which apply to court costs incurred on or after July 1, 1980. These regulations will expand the availability of Federal funding of the costs of courts under cooperative agreements with child support agencies to include costs associated with judicial determinations. The expanded funding will be available in costs which exceed calendar year 1979 costs. Federal funding of costs of the judicial decisionmaker, however, will continue to be prohibited.

Section 174 of the Tax Equity and Fiscal Responsibility Act of 1982 repealed section 455(c) of the Social Security Act. (See I.A. regulation entitled "Reduction in Certain Federal Payments to States under the Child Support Enforcement Program".) Therefore, these regulations are effective only until October 1, 1983.

g. *Timetable:* A notice of proposed rulemaking was published in the **Federal Register** June 4, 1981. The final regulation is expected to be published in the first quarter of fiscal year 1983.

a. Title: Procedures for Case Assessment and Prioritization

b. *Agency Contact:* Marianne Rufty, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 303.10.

e. *Legal Authority:* 42 U.S.C. 652(a)(1) and 42 U.S.C. 1302.

f. *Abstract:* This proposed regulation would permit State child support enforcement agencies to implement case assessment and prioritization procedures to achieve greater program efficiency. Limited program resources and other operating constraints have compelled IV–D agencies to concentrate on cases with high potential for collection of support payments. Although many States have implemented such procedures, they are concerned that current Federal regulations require IV–D agencies to locate absent parents, establish paternity and establish and enforce support obligations for *all* cases, on a first come, first served basis. The proposed regulation would alleviate States' concerns and allow States to focus available resources on cases which have high probability for success.

g. *Timetable:* A notice of proposed rulemaking is expected to be published in the **Federal Register** during the first quarter of fiscal year 1983.

a. Title: Prompt Recovery of Disallowed Funds

b. *Agency Contact:* Marianne Rufty, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 301.15.

e. *Legal Authority:* 42 U.S.C. 655(b)(2) and 42 U.S.C. 1302.

f. *Abstract:* In keeping with the Administration's effort to collect debts owed the Federal government, this proposed regulation would reduce the time period that State IV–D agencies may retain funds for expenditures that have been disallowed as a result of an audit and determined not to be subject to Federal funding. Current OCSE policy allows States that appeal audit determinations to retain disallowed funds pending resolution of the appeals process. This proposed regulation would provide for the prompt recovery of disallowed funds, regardless of a State's decision to appeal, through a reduction in the first grant award following the issuance of the notice of disallowance to the State IV–D agency.

g. *Timetable:* A notice of proposed rulemaking is expected to be published in the **Federal Register** during the first quarter of fiscal year 1983.

a. Title: Medical Support Enforcement

b. *Agency Contact:* Carol Jordan, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 304.20, 45 CFR 304.23, 45 CFR 306.50 and 45 CFR 306.51.

e. *Legal Authority:* 42 U.S.C. 654(13) and 42 U.S.C. 1302.

f. *Abstract:* Currently, medical support enforcement activities are pursued through optioned cooperative agreements between the State IV–D agency and the State Medicaid agency. This proposed regulation would require all State IV–D agencies to attempt to obtain minimal medical support information during the normal processing of child support cases. This would result in increased use of available third party resources in the form of private medical insurance and in medical cost savings to State and Federal governments.

g. *Timetable:* A notice of proposed rulemaking is expected to be published during the first quarter of fiscal year 1983.

a. Title: Revision of IV–D Program Audit Regulations

b. *Agency Contact:* Michael P. Fitzgerald, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1036, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Business and Other Entities:* None.

d. *CFR Citation:* 45 CFR Part 305.

e. *Legal Authority:* 42 U.S.C. 652(a)(1), 42 U.S.C. 652(a)(4), 42 U.S.C. 603(h) and 42 U.S.C. 1302.

f. *Abstract:* These proposed regulations revise the audit regulations to permit OCSE to incorporate the audit criteria currently in the regulations and new performance measurement criteria into an audit guide. Since 1977, OCSE has conducted an annual process-oriented audit of each State's Child Support Enforcement program that reviews the establishment and use of procedures to carry out specific child support activities. However, since State IV–D programs have been in operation for 7 years and in many instances have reached a degree of maturity where it is no longer necessary to focus primarily on process-oriented functions, we believe that the OCSE audit should evaluate the State via both established functions and performance measures. This change will better enable the Federal government to measure program efficiency and result.

g. *Timetable:* A notice of proposed rulemaking is expected to be published in the **Federal Register** during the second quarter of FY 83.

II. Reviews of Existing Regulations

None.

III. Completed Actions

1. Title: Incentive Payments to States

Agency Contact: Michael Fitzgerald, (301) 443–5350.

Federal Register *Citation:* 47 FR 37886, August 27, 1982.

Reason For Completion: Final regulation.

2. Title: Deletion of Title IV–D State Plan and Audit Requirements

Agency Contact: Elizabeth Matheson, (301) 443–5350.

Federal Register *Citation:* 47 FR 24716, June 8, 1982.

Reason for Completion: No substantive or unfavorable comments received on final regulation within comment period.

PUBLIC HEALTH SERVICE

Current and Projected Rulemakings

Title: New Drug Approval Process; Revision of IND/NDA Rules

Agency Contact: IND rules, Steven H. Unger, Regulatory Counsel, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

NDA rules, Michael C. McGrane, Regulatory Counsel, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

Effects on Small Business and Other Entities: The great majority of firms that would be affected by these proposed rules are large companies. Although the impact on any individual drug company may be substantial, that impact would be beneficial, reducing cost and burden, and the total number of small companies affected would not be substantial. Thus, the agency believes that these proposed revisions would not have a significant economic impact on a substantial number of small entities.

CFR Citation: 21 CFR Parts 310, 312, 314, 430, 431, 433.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(p), 501, 502 503, 505, 506, 507, 701(a) (21 U.S.C. 321(p), 351, 352, 353, 355, 356, 357, 371(a))) and the Public Health Service Act (sec. 351 (42 U.S.C. 262)).

Abstract: These proposed rules would revise extensively the IND/NDA rules to improve the efficiency of FDA's operations and to update and clarify its internal policies in reviewing and expediting applications for new drugs. These revisions are believed necessary to improve the efficiency of the drug review process. The result would be greater asurance that safe and effective new drugs are approved as promptly as possible. The undertaking reflects FDA's commitment to refine and improve the entire IND/NDA process. The IND/NDA rules were scheduled for retrospective review announced by FDA in its July 2, 1982 notice (47 FR 29004) establishing priorities for reviewing the agency's existing rules under the Regulatory Flexibility Act and Executive Order 12291.

Timetable: Notice of Proposed Rulemaking for NDA rules expected to publish in the first quarter in FY 1983. Notice of Proposed Rulemaking for IND rules expected to publish in the second quarter in FY 1983.

This rule will be reviewed by the President's Task Force on Regulatory Relief and is a priority rule.

Title: Abbreviated New Drug Applications for Post-1962 Drugs

Agency Contact: Jean Mansur, Deputy Assistant Director for Regulatory Affairs, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3640.

Effects on Small Businesses and Other Entities: The proposed rule would have a significant favorable effect on small business firms that market generic drugs, because the proposed rule would reduce existing regulatory barriers to competition in the pharmaceutical market. Details on the effects on small businesses will be included as part of an initial regulatory impact analysis, to be made available when the proposed rule is published.

CFR Citation: 21 CFR Part 314.

Legal Authority: Federal Food, Drug, and Cosmetic Act (sec. 201(p), 502, 505, 701(a) (21 U.S.C. 321(p), 352, 355, 371(a))).

Abstract: This proposed rule would permit applicants to file abbreviated new drug applications (ANDA's) for products identical to approved post-1962 drugs and to omit certain reports that are required in full NDA's to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. If adopted, the proposed rule would reduce duplicative human testing of drugs and also reduce the cost to the manufacturer of getting the affected drugs on the market.

Timetable: Notice of Proposed Rulemaking expected to publish in the second quarter in FY 1983.

Title: Allergenic Source Material

Agency Contact: Michael Hooten, Consumer Safety Officer, National Center for Drugs and Biologics (HFB–620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

Effects on Small Businesses and Other Entities: This proposed rule would affect about 20 allergen manufacturers. Depending on various factors involving the firms current practices, increased costs per firm would vary from no cost increases to minor increases. The anticipated costs are not expected to have a significant impact on any firm, large or small.

CFR Citation: 21 CFR Part 680.

Legal Authority: Public Health Service Act (sec. 351) (42 U.S.C. 262).

Abstract: This proposal would amend the biologics rules to establish criteria for source materials used in the manufacture of a final allergenic product. Specific requirements would be prescribed for the propagation and maintenance of materials used to prepare certain allergenic products. Inspection and recordkeeping requirements would apply to all manufacturers of allergenic products. These procedures are believed necessary to reduce the likelihood of misidentified or contaminated source materials and assure their suitability for manufacture into final allergenic products.

Timetable: Notice of Proposed Rulemaking published September 26, 1978 (43 FR 43472). Reproposal expected to publish in the second quarter in FY 1983.

Title: Obligations of Sponsors of Clinical Investigations

Agency Contact: Marilyn L. Watson, consumer Safety Office,r National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3640.

Effects on Small Businesses and Other Entities: Because the proposed rule was issued prior to January 1, 1981, a final rule would be exempt from the requirements for a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR Parts 52, 71, 170, 171, 180, 310, 312, 314, 320, 330, 430, 431, 510, 511, 514, 570, 571, 601, 630, 812, 813, 1003, 1010.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 406, 409, 502, 503, 505, 506, 507, 512–516, 518–520, 701(a), 706, 801 (21 U.S.C. 346, 348, 352, 353, 355, 356, 357, 360b–360f, 360h–360j, 371(a), 376, 381)) and the Public Health Service Act (secs. 215, 351, 354–360F (42 U.S.C. 216, 262, 263b–263n)).

Abstract: This proposed rule would clarify or revise certain existing requirements concerning obligations of persons who sponsor clinical investigaitons involving a drug or medical device and extend those requirements to cover other products regulated by FDA. The rule is intended to provide greater protection of the rights and safety of subjects involved in clinical investigations and to help assure the quality and integrity of the data filed with FDA under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.

Timetable: Notice of Proposed Rulemaking published September 27, 1977 (42 FR 49612). Final Rule expected to publish in the third quarter in FY 1983.

Title: Requirements for Designating a Manufacturer's Name on a Drug Product Label

Agency Contact: Steven Unger, Regulatory Counsel, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

Effects on Small Businesses and Other Entities: This proposed rule would permit considerable flexibility in identifying on the label the statutorily required name of the manufacturer, repacker, or distributor. Therefore, it should not increase and may actually decrease labeling costs for labelers including small businesses.

CFR Citation: 21 CFR Part 201.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 502, 701(a) (21 U.S.C. 352, 701(a))).

Abstract: This proposed rule would amend the rule setting forth requirements for designating a manufacturer's name on a drug product actually made by a corporately related firm under common ownership and control. The action responds to a petition pointing out various marketing and labeling problems that the current rule poses for certain diversified corporate structures. The rule would permit any member of a diversified corporate "family" to claim to have manufactured a product made within the "family."

Timetable: Notice of proposed rulemaking published June 8, 1982 (47 FR 24735). Final rule expected to publish in the third quarter in FY 1983.

Title: Biological Products; Inspection Frequency of All Licensed Biological Establishments and Their Additional Location(s)

Agency Contact: Rada Proehl, Consumer Safety Officer, National Center for Drugs and Biologics (HFB–620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

Effects on Small Businesses and other Entities: This proposed rule would reduce the minimum required inspection frequency and reduce the burden associated with an inspection, but it would not change the standards to which manufacturers must adhere. Thus, it is expected that this rule would not have a significant economic impact on a substantial number impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 21 CFR 600.21.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201 (g) and (h), 510, 701(a), 704 (21 U.S.C. 321 (g) and (h), 360, 371, 374)) and the Public Health Service Act (sec. 351 (42 U.S.C. 262)).

Abstract: This proposed rule would amend the biologics rules by changing the required minimum frequency of inspections for all licensed biological establishments and their additional location(s) from at least once every year to at least once every 2 years. This action would (1) provide flexibility for the agency to reduce the inspection burden on a specific portion of the regulated industry, (2) provide the agency with greater flexibility in management of its resources, and (3) provide a uniform requirement for frequency of inspections of all manufacturers of drugs and devices, consistent with requirements in the Federal Food, Drug, and Cosmetic Act.

Timetable: Notice of Proposed Rulemaking published July 30, 1982 (47 FR 32953). Final rule expected to publish in the third quarter in FY 1983.

Title: Over-the-Counter (OTC) Drug Review

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, National Center for Drugs and Biologics (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

Effects of Small Businesses and other Entities: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 21 CFR Parts 310, 330–360.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701(a)) (21 U.S.C. 321(p), 352, 355, 371(a))).

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed.

Timetable: (Key: NPRM—Advance notice of proposed rulemaking; NPRM—Notice of proposed rulemaking; FR—Final rule).

Alcohol (Topical) Products—ANPRM published May 21, 1982 (47 FR 22344); Next action is undetermined.

Anorectal Products—ANPRM published May 27, 1980 (45 FR 35576); NPRM expected to publish in the fourth quarter in FY 1983.

Anthelmintic Products—ANPRM published September 9, 1980 (45 FR 59541); NPRM published August 24, 1982 (47 FR 37062); next action undetermined.

Antibiotic First Aid Products—ANPRM published April 1, 1977 (42 FR 17642); ANPRM published July 9, 1982 (47 FR 29986); next action is undetermined.

Antidiarrheal Products—ANPRM published March 21, 1975 (40 FR 12924); NPRM expected to publish in third quarter in FY 1983.

Antidotes, Toxic Ingestion Products—ANPRM published January 5, 1982; NPRM expected to publish in the fourth quarter in FY 1983.

Antiemetic Products—ANPRM published March 21, 1975 (40 FR 12934); NPRM expected to publish in the third quarter in FY 1983.

Antiperspirant Products—ANPRM published October 10, 1978 (43 FR 46694); NPRM published August 20, 1982 (47 FR 36492); next action is undetermined.

Aphrodisiac Products—ANPRM expected to publish in the first quarter in FY 1983.

Astringent (Wet Dressings) Products—ANPRM published September 7, 1982 (47 FR 39412, 39436); next action is undetermined.

Benign Prostatic Hypertrophy Products—ANPRM expected to publish in the first quarter in FY 1983.

Boil Ointments—ANPRM published June 29, 1982 (47 FR 28306); next action is undetermined.

Cholecystokinetic Products—ANPRM published February 12, 1980 (45 FR 9286); NPRM published August 24, 1982 (47 FR 37068); next action is undetermined.

Cough/Cold (Anticholinergic-Expectorant) Products—ANPRM published September 9, 1976 (41 FR 38312); NPRM published July 9, 1982 (47 FR 30002); next action is undetermined.

Cough/Cold (Antihistamine) Products—ANPRM published September 9, 1976 (41 FR 38312); NPRM expected to publish in the third quarter in FY 1983.

Cough/Cold (Antitussive) Products—ANPRM published September 9, 1976 (41 FR 38312); NPRM expected to publish in the fourth quarter in FY 1983.

Cough/Cold (Bronchodilator) Products—ANPRM published September 9, 1976 (41 FR 38312); NPRM expected to publish in the first quarter in FY 1983.

Cough/Cold (Nasal Decongestant) Products—ANPRM published September 9, 1976 (41 FR 38312); NPRM expected to publish in the second quarter in FY 1983.

Dandruff, Seborrheic Dermititis and Psoriasis Control Products—ANPRM

expected to publish in the second quarter in FY 1983.

Diaper Rash Products—ANPRM published September 7, 1982 (47 FR 39406, 39412, 39436, 39464); next action is undetermined.

Exocrine Pancreatic Insufficiency Products—ANPRM published December 21, 1979 (44 FR 75666) NPRM expected to publish in the fourth quarter in FY 1983.

External Analgesic Products—ANPRM published December 4, 1979 (44 FR 69768); NPRM expected to publish in the fourth quarter in FY 1983.

Fever Blister/Cold Sore Products (External)—ANPRM published September 7, 1982 (47 FR 39412, 39436); next action is undetermined.

Hypo/Hyperphosphatemia Products—ANPRM published December 9, 1980 (45 FR 81154); NPRM expected to publish in the fourth quarter in FY 1983.

Ingrown Toenail Relief Products—ANPRM published September 3, 1982 (47 FR 39120), next action is undetermined.

Insect Bites and Stings (Relief) Products—ANPRM published September 7, 1982 (47 FR 39412, 39436); next action is undetermined.

Internal Analgesic Products—ANPRM published July 8, 1977 (42 FR 35346); NPRM expected to publish in the fourth quarter in FY 1983.

Laxative Products—ANPRM published March 21, 1975 (40 FR 12902); NPRM expected to publish in the third quarter in FY 1983.

Leg Muscle Cramps (Nocturnal Relief) Products—ANPRM expected to publish in the first quarter in FY 1983.

Male Genital Desensitizer Products—ANPRM published September 7, 1982 (47 FR 39412); next action is undetermined.

Menstrual Products—ANPRM expected to publish in the second quarter in FY 1983.

Nailbiting/Thumbsucking Deterrent Products—ANPRM published October 17, 1980 (45 FR 69122); NPRM published September 3, 1982 (47 FR 39096); next action is undetermined.

Ophthalmic Products—ANPRM published May 6, 1980 (45 FR 30002); NPRM expected to publish in the fourth quarter in FY 1983.

Oral Cavity (Health Care) Products—ANPRM published May 25, 1982 (47 FR 22760); next action is undetermined.

Oral Discomfort (Relief) Products—ANPRM published May 25, 1982 (47 FR 22712); next action is undetermined.

Oral Mucosal Injury Products—ANPRM published November 2, 1979 (44 FR 63270); NPRM expected to publish in the fourth quarter in FY 1983.

Overindulgence Remedies—ANPRM expected to publish in the first quarter in FY 1983.

Pediculicide Products—ANPRM published June 29, 1982 (47 FR 28312); next action is undetermined.

Poison Ivy/Oak/Sumac Prevention—ANPRM published September 7, 1982 (47 FR 39412, 39436); next action is undetermined.

Skin Bleaching Products—ANPRM published November 3, 1978 (43 FR 51546); NPRM published September 3, 1982 (47 FR 39108); next action is undetermined.

Skin Protectant Products—ANPRM published August 4, 1978 (43 FR 34628); NPRM expected to publish in the fourth quarter in FY 1983.

Vaginal Drug Products—ANPRM expected to publish in the second quarter in FY 1983.

Wart Remover Products—ANPRM published October 3, 1980 (45 FR 65609); NPRM published September 3, 1982 (47 FR 39102); next action is undetermined.

Title: Reye Syndrome—Labeling for Salicylate-Containing Drug Products

Agency Contact: Paul O. Fehnel, Jr., Chief, Precedent Regulations and Legislative Activies Branch, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, Rockville, MD 20857, 301–443–6490.

Effects on Small Businesses and Other Entities: Although there would be costs involved for relabeling and possible product reformulations, the agency believes, at this time, that impacts on small businesses would be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR 201.314.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502, 701(a) (21 U.S.C. 321(n), 352, 371(a))).

Abstract: This proposed rule would require certain salicylate-containing drug products for human use to bear a warning that salicylates when used for symptomatic relief of influenza (flu) or chicken pox have been associated with the development of Reye syndrome in children or would prohibit salicylate-containing prediatric over-the-counter and prescription drug products from being recommended for symptomatic relief of flu or chicken pox. In addition, the proposed rule would also require that the "Directions" section of the labeling for all OTC drug products subject to the rule include a statement directing the consumer to read the warnings.

Timetable: Notice of Proposed Rulemaking expected to publish in the first quarter in FY 1983.

Title: Pregnancy Warning for Over-the-Counter (OTC) Drugs

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

Effects on Small Businesses and Other Entities: Under this proposed rule, there would be costs associated with labeling revisions. However, the costs incurred by small businesses are estimated by FDA to be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR Part 330.2.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(p) 502, 505, 701(a) (21 U.S.C. 321(p), 352, 355, 701(a))).

Abstract: This proposed rule would amend the general provisions for all OTC drugs in 21 CFR Part 330 to include a warning concerning the use of systemically absorbed OTC drugs by pregnant or nursing women.

Timetable: Notice of Proposed Rulemaking published September 7, 1982 (47 FR 39470). Next action is undetermined.

Title: Sucrose and Corn Sugar, Corn Syrup, and Invert Sugar—Affirmation of GRAS Status as Direct Human Food Ingredients

Agency Contact: Corbin I. Miles, Chief, GRAS Review Branch, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–472–4750.

Effects on Small Businesses and Other Entities: Because the effect of the two proposals is to maintain current known uses of sucrose and corn sugar, corn syrup, and invert sugar covered by the proposals, there could be no significant economic impact on large or small businesses.

CFR Citation: 21 CFR Parts 182, 184.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a) (21 U.S.C. 321(s), 348, 371(a))).

Abstract: These two proposed rules would affirm the GRAS (generally recognized as safe) status of sucrose and corn sugar, corn syrup, and invert sugar. This action is the result of a re-evaluation of the safety of these food ingredients as part of FDA's review of the safety of all GRAS ingredients.

Timetable: Notices of proposed Rulemaking expected to publish in the second quarter in fiscal year 1983.

Title: Caffeine

Agency Contact: For GRAS status: Lawrence Lin, Consumer Safety Officer, Bureau of Foods (HFF–334), Food and

Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–426–8950.

For food standard proposal: Prince Harrill, Deputy Director, Division of Food Technology, Bureau of Foods (HFF–210), 200 C Street, S.W., Washington, D.C. 202–245–1164.

Effects on Small Businesses and Other Entities: Because the proposed rule would announce the agency's tentative conclusion that a prior sanction exists for the use of caffeine in soft drinks, there should be no economic impact on any business, large or small, in the affected industry.

CFR Citation: 21 CFR Parts 165 and 181.

Legal Authority: GRAS—Federal Food, Drug, and Cosmetic Act (secs. 201(s) and 701(a) (21 U.S.C. 321(s), 371(a))); Standard of Identity—Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e) (21 U.S.C. 341, 371(e))).

Abstract: This proposed rule would announce the agency's tentative conclusion that a prior sanction exists for the use of caffeine in soft drinks. A companion proposal would propose the revocation of the food standard for soda water which requires that soda water designated by any name that includes the word "cola" or "pepper" contain caffeine.

Timetable: Previous Notices of Proposed Rulemaking to amend food standard and to interim list caffeine published October 21, 1980 (45 FR 69816). Reproposed rules expected to publish in the third quarter in fiscal year 1983.

Title: Labeling of Sodium Content of Foods

Agency Contact: F. Edward Scarbrough, Chief, Regulatory Affairs Staff, Bureau of Foods (HFF–204), Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–245–3117.

Effects on Small Businesses and Other Entities: FDA estimates that approximately 3500 food manufacturing firms would incur total first year costs of as much as $14.7 million and recurring annual costs of $0.5 million to comply with this proposed rule. The agency believes that this proposal would not have a significant impact on a substantial number of small businesses. If certain products or sectors of the industry anticipate unique burdens from it, FDA is interested in minimizing their burdens by special provisions. The exemption of very small firms, special labeling variations for certain products, or extension of the effective date are among alternatives the agency is willing to consider if information on the need for, and the anticipated cost saving of, such flexibilities are reasonably demonstrated.

CFR Citation: 21 CFR Parts 101.9, 101.13, 105.69.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a)) (21 U.S.C. 321, 343, 371(a)).

Abstract: This proposed rule would have three primary purposes: (1) to require that the sodium content of foods be included as part of the nutrition labeling information whenever nutrition labeling is required or is provided voluntarily; (2) to define certain terms, some of which are now used in the marketplace, to ensure consistency in their meaning and applicability to the general food supply; and (3) to revoke the requirement that sodium be listed in milligrams per 100 grams and require only listing of sodium in milligrams per serving. The proposal would leave intact the current exemption in 21 CFR 101.9(a) which permits manufacturers voluntarily to provide information on sodium content alone without triggering a requirement for full nutrition labeling; by doing so, the agency hopes to encourage voluntary quantitative sodium labeling.

Timetable: Notice of Proposed Rulemaking published June 18, 1982 (47 FR 26580). A notice announcing a 90-day extension of the comment period published August 10, 1982 (47 FR 34574). Final rule expected to publish in the fourth quarter in FY 1983.

Title: Policy for Regulating Carcinogenic Chemicals in Food and Color Additives

Agency Contact: For policy and rules to be proposed: Terry C. Troxell Consumer Safety Officer, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–472–5690.

For risk assessement procedures: Alan M. Rulis, Consumer Safety Officer, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–472–5676.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR Chapter 1.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201, 409, 701(a), 706) (21 U.S.C. 321, 348, 371(a), 376).

Abstract: This proposed rule would propose a new policy for use in assuring the safe use of food additives and color additives that contain minor amounts of carcinogenic chemicals. This policy would (1) clarify the definition of an "additive," (2) interpret the Delaney Clause to apply only when the additive itself has been shown to cause cancer, and (3) use risk assessment procedures as one of the tools for determining the safety clause of section 409 of the act.

Timetable: Advance Notice of Proposed Rulemaking published April 2, 1982 (47 FR 14464). NPRM expected to be published in fourth quarter of FY 1983.

Title: Infant Formula; Labeling Requirements

Agency Contact: Nicholas Duy, Consumer Safety Officer, Bureau of Foods (HFF–204), Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–245–3117.

Effects on Small Businesses and other Entities: The agency estimates that this proposed rule would impose a one-time cost of approximately $50,000 total for the industry (5 firms). Because sales of infant formula in the U.S. are estimated to exceed $500 million annually, the cost of this proposed rule would not have a perceptible effect on the retail price of infant formula.

CFR Citation: 21 CFR Parts 105, 107.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(n) and (aa), 403(a) and (j), 412, 701(a) and (e) (21 U.S.C. 321(n) and (aa), 343(a) and (j), 350a, 371(a) and (e))).

Abstract: This proposed rule would revise labeling requirements for infant formula to require the label declaration of nutrients under the Infant Formula Act of 1980, expiration dating, and directions for preparation and use, including a pictogram and a symbol to indicate the need for dilution. This proposal would provide necessary information for health care professionals and assist consumers, including those who cannot read English, in the appropriate preparation and use of infant formula to assure the health and well being of formula-fed infants.

Timetable: Notice of Proposed Rulemaking expected to publish in the first quarter in FY 1983.

Title: New Animal Drug Applications; Safety and Effectiveness Data Supporting the Approval of Minor Use New Animal Drugs

Agency Contact: Thomas V. Raines, Veterinary Medical Officer, Bureau of Veterinary Medicine (HFV–149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913

Effects on Small Businesses and Other Entities: Because the proposed rule was issued prior to January 1, 1981, as final rule would be exempt from the requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR Part 514.1.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a) (21 U.S.C. 360b, 371(a))).

Abstract: This proposed rule would define the safety and effectiveness data submission requirements for the approval of new animal drugs for use in a minor species or in the treatment of rare or infrequently occurring diseases in major species. This proposed rule is intended to encourage the development of new animal drugs that are needed but do not have significant market potential.

Timetable: Notice of Proposed Rulemaking published July 20, 1979 (44 FR 42714). Final rule expected to publish in the first quarter in FY 1983.

Title: New Animal Drugs for Use in Animal Feeds; Definition and General Considerations; Revised Procedures Regarding Medicated Feed Applications

Agency Contact: George Graber, Director, Division of Animal Feeds, Bureau of Veterinary Medicine (HFV–220), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4438.

Effects on Small Businesses and Other Entities: Although there would be costs involved for several sectors of the medicated feed industry, FDA believes, at this time, that impacts on small businesses would be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR Parts 207, 210, 225, 226, 501, 514, 558.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), (21 U.S.C. 360b, 371(a))).

Abstract: This proposed rule would revise the existing rules to provide revised criteria for the need of an approved medicated feed application for the manufacture of medicated feeds.

Timetable: Notice of Proposed Rulemaking published January 9, 1981 (46 FR 2456). Tentative Final Rule expected to publish in the second quarter in FY 1983.

Title: National Environmental Policy Act; Policy and Procedures

Agency Contact: John C. Matheson, Chief, Environmental Staff, Bureau of Veterinary Medicine (HFV–310), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4500.

Effects on Small Businesses and Other Entities: Because the proposed rule was issued prior to January 1, 1981, a final rule would be exempt from the requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR Part 25.

Legal Authority: Federal Food, Drug, and Cosmetic Act (sec. 701(a) (21 U.S.C. 371(a)) and the National Environmental Policy Act of 1969 (sec. 102(2)(C) (42 U.S.C. 4332)).

Abstract: This proposed rule would amend agency requirements for compliance with the National Environmental Policy Act in accordance with the Council on Environmental quality's regulations (40 CFR 1500–1508). This rule, which has agency-wide applicability, would change the environmental documents and procedures followed for environmental review of actions proposed by or requested by the agency.

Timetable: Notice of Proposed Rulemaking published December 11, 1979 (44 FR 71742). Final rule expected to publish in the third quarter in FY 1983.

Title: Medical Device Reporting

Agency Contact: Robert A. Forst, Legal Associate, Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7114.

Effects on Small Businesses and Other Entities: Under this proposed rule, there would be costs to the medical device industry associated with submission of reports to FDA. However, the costs incurred by small businesses are estimated by FDA to be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR Part 803.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 502(t), 519, 701(a), 704(e) (21 U.S.C. 352(t), 360j, 371(a), 374(e))).

Abstract: This proposed rule would establish requirements for the submission to FDA of reports concerning medical devices that may have caused or contributed to a death or serious injury.

Timetable: Notice of Proposed Rulemaking published November 18, 1980 (45 FR 76183). Abeyance of proposed rule published November 24, 1981 (46 FR 57568). Tentative final rule expected to publish in the first quarter in FY 1983

Title: Prosthetic Hair Fibers for Implantation into the Human Scalp

Agency Contact: Pamela F. Wojtowicz, Consumer Safety Officer, Bureau of Medical Devices (HFK–114), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7218.

Effects on Small Businesses and Other Entities: FDA is unaware of any businesses continuing at the present time in the manufacture, distribution, or implantation of prosthetic hair fibers. The proposed rule is intended to prevent the future recurrence of such activities.

CFR Citation: 21 CFR Part 895.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 502(r), 516, 518, 519, 701(a) (21 U.S.C. 352(r), 360f, 360h, 360i, 371(a))).

Abstract: This proposed rule would make prosthetic hair fibers intended for implantation into the human scalp to simulate natural hair or conceal baldness a banned medical device. FDA has determined that prosthetic hair fibers intended for such use present substantial deception and an unreasonable and substantial risk of illness or injury, that the deception or risk cannot be corrected or eliminated by labeling or change in labeling, and that the deception or risk associated with use of the device presents an unreasonable, direct, and substantial danger to the health of individuals.

Timetable: Notice of Proposed Rulemaking expected to publish in the second quarter in FY 1983.

Title: Premarket Approval; Procedures for Medical Devices

Agency Contact: Charles H. Kyper, Acting Premarket Approval Coordinator, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7445.

Effects on Small Businesses and Other Entities: Small businesses and other entities presently are submitting to FDA applicaitons for premarket approval for class III medical devices following requirements in section 515 of the act and FDA's informal guidelines. The proposed rule would clarify the procedures used to enable manufacturers to gain approval for marketing Class III devices. Thus, FDA believes that issuance would not increase significantly the present regulatory burden on small businesses and other entities.

CFR Citation: 21 CFR Part 814.

Legal Authority: Federal Food, drug, and Cosmetic Act (secs. 501–503, 510, 513–520, 701(a), 702, 703, 704, 705, 706, 708, and 801 (21 U.S.C. 351, 353, 360, 360c–360j, 371(a), 373, 374, 375, 379, 381)).

Abstract: This proposed rule would establish requirements for submission to FDA of applications for premarket approval including safety and effectiveness data for all class III (premarket approval) medical devices. The rule would establish procedures for manufacturers to demonstrate the safety and effectiveness of these medical devices.

Timetable: Notice of Proposed Rulemaking published December 12, 1980 (45 FR 81769). Final rule expected to publish in the fourth quarter in FY 1983.

Title: Dental Devices; Classification

Agency Contact: Darryl G. Singleton, Dental Officer, Bureau of Medical Devices (HFK–460), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7555.

Effects on Small Businesses and Other Entities: Effect is insignificant. Rules classifying devices into class I (general controls) generally maintain the status quo; these devices now are subject to only the general controls provisions of the act, and under the final rule, would remain subject only to such controls either in their entirety or with certain exemptions. Devices classified into class II (performance standards) also would remain subject only to the general controls provisions of the act, unless and until an applicable performance standard were established. Similarly, devices classified into class III (premarket approval) remain subject only to the general controls provisions until an additional rule is promulgated under section 515(b) of the act requiring that such devices have, in effect, approved applications for premarket approval.

CFR Citation: 21 CFR Part 872.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a) (21 U.S.C. 360c, 371(a))).

Abstract: This proposed rule would classify commercially distributed dental devices into one of three regulatory classes, depending upon the regulatory controls needed to assure their safety and effectiveness.

Timetable: Notice of Proposed Rulemaking published December 30, 1980 (45 FR 85962–86168). Final Rule expected to publish in the fourth quarter in FY 1983.

Title: Detached Cigarette Filters and Medical Devices; Classification

Agency Contact: Robert A. Forst, Legal Associate, Bureau of Medical Devices (HFK–140), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7114.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR Part 868.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a) (21 U.S.C. 360c, 371(a))).

Abstract: FDA plans to issue a proposed rule to classify into one of three regulatory classes those detached cigarette filters that FDA has concluded are medical devices based on evidence showing that manufacturers or vendors intend the articles to cure, mitigate, treat, or prevent disease or to affect the structure or function of the body within the meaning of section 201(h) of the act. The classification would be dependent upon the regulatory controls needed to assure the safety and effectiveness of the device. The proposal is a follow-up to FDA's November 25, 1980 decision granting, in part, a request to regulate certain detached cigarette filters as medical devices and denying requests to regulate as devices cigarettes and attached cigarette filers, generally.

Timetable: Notice of Proposed Rulemaking expected to publish in the fourth quarter in FY 1983.

Title: Protection of Human Subjects; Prisoners Used as Research Subjects

Agency Contact: Halyna P. Breslawec, Staff Pharmacist, Office of Health Affairs (HFY–2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

Effects on Small Businesses and Other Entities: Any costs the proposed rules would impose would not affect any small entities as defined by the Regulatory Flexibility Act. The only companies currently conducting research on prisoners are among the largest pharmaceutical companies.

CFR Citation: 21 CFR Part 50, Subpart C.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 406, 409, 502, 503, 505, 506, 507, 510, 513–516, 518–520, 701(a), 706, 801 (21 U.S.C. 346, 348, 352, 353, 355, 356, 357, 360, 360c–360f, 360h–360j, 371(a), 376, 381)), and the Public Health Service Act (sess. 215, 351, 354–360F (42 U.S.C. 216, 262, 263b–263n)).

Abstract: This proposed rule would establish conditions under which biomedical research on prisoners would be accepted in satisfaction of FDA's regulatory requirements. In the **Federal Register** of July 7, 1981 (46 FR 35085), FDA stayed indefinitely the effective date on the original rule, pending final action on its proposal. FDA's original rule, published May 30, 1980 (45 FR 36386), had been challenged in court by several prisoners and a drug manufacturer because the rule would have virtually banned research on prisoners. Under the new proposal published December 18, 1981, FDA would accept, in addition to the categories of research listed in the original rule, the results of biomedical research on prisoners if the sponsor of the proposed research establishes that the conditions set forth by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research had been met.

Timetable: Notice of Proposed Rulemaking published December 18, 1981 (46 FR 61666). Final rule expected to publish in the fourth quarter in FY 1983.

Title: Requirements Applicable to Projects for Family Planning Services

Agency Contact: Marjory E. Mecklenburg, Deputy Assistant Secretary for Population Affairs, Room 725H, 200 Independence Ave., SW., Washington, D.C. 20201, 202/472–9093.

Effects on Small Businesses and Other Entities: The required change will be minimal in cost as it will generally consist of a slight revision of present intake and counseling procedures applicable to only some grantee client populations. Thus, it is expected that this regulation will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 59.

Legal Authority: Section 6(c), Pub. L. 91–572, 84 Stat. 1507 and the Public Health Service Act, Section 1006 (42 U.S.C. 300a–4(a)), Section 931(b)(1), Pub. L. 97–35.

Abstract: Title X of the Public Health Service Act requires family planning projects to encourage family participation in the provision of services by the projects, to the extent practical. Existing regulations would be amended to require family planning clinics receiving Title X funds to notify parents or guardians of unemancipated minors, age 17 or younger, within ten days following the provision of prescription drugs or devices. In addition, grantees would be required to comply with any State law requiring that notification be provided to or consent obtained from parents or guardians of unemancipated minors receiving family planning services.

Timetable: Notice of Proposed Rulemaking published February 22, 1982 (47 FR 7699). A decision concerning the issuance of a final rule will be made in the first quarter of FY 1983.

Title: Adolescent Family Life Demonstration Projects

Agency Contact: Donald Underwood, Grants Management Officer, Office of Adolescent Pregnancy Programs, Department of Health and Human Services, Room 602, Reporters Building, Washington, D.C. 20201, 202/472–5588.

Effects on Small Businesses and Other Entities: Given the size of the appropriation anticipated, the number of grants for demonstration projects that can be funded is not expected to result in this regulation's having a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 59.

Legal Authority: Section 215, Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); Title XX, Public Health Service Act, 95 Stat. 578, *et seq.* (42 U.S.C. 300z, *et seq.*).

Abstract: The proposed rule would establish the requirements for grants for demonstration projects funded under the recently enacted Title XX of the Public Health Service Act. The title authorizes the Department of Health and Human Services to make grants to projects that will provide health, social and educational services to pregnant and nonpregnant adolescents, adolescent parents, and their families.

Timetable: Notice of Proposed Rulemaking expected to be published in the first quarter of FY 1983.

Title: Research Regulations for the Adolescent Family Life Program

Agency Contact: Donald Underwood, Grants Management Officer, Office of Adolescent Pregnancy Programs, Department of Health and Human Services, Room 602 Reporters Building, Washington, D.C. 20201, 202/472–5588.

Effects on Small Businesses and Other Entities: Given the size of the appropriation anticipated, the number of grants for research that can be funded is not expected to result in this regulation's having a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Parts 52 and 52h.

Legal Authority: Section 955(a), Pub. L. 97–35, 95 Stat. 589 (42 U.S.C. 300z–7(a)(1)).

Abstract: The regulation would amend the general health research regulations of the Department of Health and Human Services to make them applicable to research grants funded under the recently enacted Title XX of the Public Health Service Act. Title XX provides for research into questions relating to adolescent premarital sexual relations and adolescent pregnancy and parenthood. The amendments of not expand the scope of the current regulations to include a new type of research project, but simply add a new statutory authority to the current substantive rules now governing grants under a number of health research authorities.

Timetable: Final Rule expected to be published in the first quarter of FY 1983. Public comment will not be requested on the amendments since they are technical in nature and no substantive modification of 42 CFR Parts 52 and 52h will be made.

Title: Confidentiality of Alcohol and Drug Abuse Patient Records

Agency Contact: Judith T. Galloway, Regulations Officer, Alcohol, Drug Abuse and Mental Health Administration, Room 13C–06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3200.

Effects on Small Businesses and Other Entities: It has been determined that the proposed regulations will not have a significant economic impact on a substantial number of small entities.

CFR Citation: 42 CFR Part 2.

Legal Authority: 21 U.S.C. 1175 and 42 U.S.C. 4582.

Abstract: A comprehensive rewrite of the regulations has been undertaken to make them more understandable and less burdensome. Among 15 issues raised in the Notice of Decision to Develop Regulations, the one expected to have the most impact concerns the scope of applicability. The 14 other issues raised in the Notice as well as some raised by the public will be addressed in the NPRM.

Timetable: Notice of decision to Develop Regulations published January 2, 1980. (45 FR 53) Notice of Proposed Rulemaking to be published in the second quarter in FY 1983.

Title: Specifications for Medical Examinations of Underground Coal Miners

Agency Contact: Ms. Mitzie Martin, Chief, Receiving Center Section, Examinations Processing Branch, Division of Respiratory Disease Studies, National Institute for Occupational Safety and Health, CDC, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, 304–599–7301 or FTS 923–7301.

Effects on Small Businesses and Other Entities: This amendment will update the existing regulations to allow the use of the latest standards for classifying X-rays of pneumoconioses. It is expected that this amendment will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 37.

Legal Authority: Section 203 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 843).

Abstract: The National Institute for Occupational Safety and Health administers an X-ray examination program for coal miners as mandated by the Federal Mine Safety and Health Act of 1977. The proposed amendment will enable X-ray readers in the Department's medical surveillance program for underground coal miners to classify miner's chest X-rays more accurately in accordance with the latest standards. The existing regulations currently provide for the use of the 1971 version of the International Labor Office (ILO) system for classifying radiographs (X-rays) of the pneumoconioses. The amendment proposes to adopt the 1980 revision of the ILO classification system which has now become the recognized international standard for classifying this type of disease.

Timetable: Notice of Proposed Rulemaking expected to be published in the first quarter in FY 1983.

Title: Project Grants for Preventive Health Services—Childhood Immunization Programs; Venereal Disease Control Programs; Research, Demonstrations, and Public Information and Education for the Prevention and Control of Venereal Disease

Agency Contact: Windell R. Bradford, Assistant Director, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, 404–329–3771 or FTS 236–3771.

Effects on Small Businesses and Other Entities: This amendment will reduce burdensome and unnecessary requirements. It is expected that this amendment will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 51b, Subparts B, D, and F.

Legal Authority: Sections 317 and 318 of the Public Health Service Act, as amended (42 U.S.C. 247b and 247c).

Abstract: The final rule will amend the existing regulations to remove burdensome and unnecessary requirements in regulations for categorical grants that were not included in the Block Grants. It also implements an amendment to Section 318 of the PHS Act which requires that at least 5 percent of grant funds appropriated under Section 318(c) for the prevention and control of veneral disease be expended for programs authorized under Section 318(b). The rule provides a regulatory base to expand capability to refine veneral disease prevention and control technology.

Timetable: Notice of Proposed Rulemaking published July 17, 1980 (45 FR 47878). Final Rule expected to be published in the first quarter in FY 1983.

Title: Project Grants for Preventive Health Services—Grants for Influenza Immunization Programs

Agency Contact: Windell R. Bradford, Assistant Director, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, 404–329–3771 or FTS 236–3771.

Effects on Small Businesses and Other Entities: The existing regulations

are being revoked because the program is no longer authorized by legislation. It is expected that this revocation will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 51b, Subpart E.

Legal Authority: Section 317 of the Public Health Service Act, as amended (42 U.S.C. 247b).

Abstract: The existing regulations provide for grants under Section 317 of the Public Health Service Act for programs to immunize persons in high risk groups against influenze. This program is no longer authorized by legislation, and the regulations governing the program should be revoked.

Timetable: Revocation Notice expected to be published in the first quarter in FY 1983.

Title: Fees for Direct Training

Agency Contact: Dr. Seth N. Leibler, Acting Director, Center for Professional Development and Training, Centers for Disease Control, Atlanta, Georgia 30333, 404–262–6671 or FTS 236–6671.

Effects on Small Businesses and Other Entities: The existing regulations are being revoked because they are obsolete. It is expected that this revocation will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 65.

Legal Authority: Section 311(b) of the Public Health Service Act, as amended (42 U.S.C. 243(b)); Section 302(c) of Public Law 94–317, Disease Control Amendments of 1976, approved June 23, 1976; and Public Law 95–480, Title II, approved October 18, 1978.

Abstract: The Centers for Disease Control provides technical training to help ensure that health workers throughout the country possess the necessary skills and knowledge to achieve the objectives of disease control programs. The existing regulations set forth a fee policy for this training and provide for a fee schedule. The existing regulations also provide that the CDC may waive the fee requirement when such waiver is judged to be in the public interest. Changes in legislation in 1976 and 1978 made the waiver provisions unnecessary, thus making the current regulations obsolete and requiring its revocation.

Timetable: Notice of Decision to Develop Regulations published December 19, 1980 (45 FR 83579). Revocation Notice expected to be published in the first quarter in FY 1983.

Title: Foreign Quarantine

Agency Contact: Dr. Laurence S. Farer, Acting Director, Quarantine Division, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, 404–329–2501 or FTS 236–2501.

Effects on Small Businesses and Other Entities: This amendment will update the existing regulations to reflect current concepts of disease surveillance, investigation, and control. It is expected that these regulations will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 71.

Legal Authority: Sections 361–369 of the Public Health Service Act, as amended (42 U.S.C. 264–272).

Abstract: The existing regulations were developed to implement the provisions of the Public Health Service Act in preventing the introduction, transmission, or spread of communicable disease from foreign countries into the United States. The amendment will update existing regulations to reflect current concepts of disease surveillance, investigation, and control.

Timetable: Notice of Decision to Develop Regulations published June 29, 1979 (44 FR 37963). Notice of Proposed Rulemaking expected to be published in the first quarter in FY 1983.

Title: Requests for Health Hazard Evaluations and Occupational Safety and Health Investigations of Places of Employment

Agency Contact: Mary L. Flint, Regulations Specialist, National Institute for Occupational Safety and Health, CDC, 5600 Fishers Lane, Room 8–11, Rockville, Maryland 20857, 301–443–3745 or FTS 443–3745.

Effects on Small Businesses and Other Entities: It is expected that this amendment will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Parts 85 and 85a.

Legal Authority: Sections 20 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669 and 657) and Sections 501 and 103 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 and 813).

Abstract: In performing its research activities under the provisions of the Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977, the National Institute for Occupational Safety and Health (NIOSH) is often required to conduct onsite investigations of the workplace. The procedures governing these investigations are contained in 42 CFR Parts 85 and 85a. Part 85 governs health hazard evaluations, while Part 85a concerns the conduct of investigations under NIOSH-initiated research projects. NIOSH proposes to amend Parts 85 and 85a to expressly provide for the use of personal sampling devices as an investigative technique. This action is necessary to give notice that employees may be requested to wear personal sampling devices as part of the environmental sampling procedures used by NIOSH during its workplace investigations.

Timetable: Notice of Proposed Rulemaking expected to be published in the first quarter in FY 1983.

Title: Minimum Requirements for Construction and Equipment for Hospital and Medical Facilities

Agency contact: Florence B. Fiori, Director, Bureau of Health Facilities, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–7700.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 124, Subpart C.

Legal Authority: Sections 215 (42 U.S.C. 216), 603(b), (42 U.S.C. 291c), and 1620(2) (42 U.S.C. 300s).

Abstract: Secretary is required to issue regulations containing standards for construction, modernization, and equipment for medical facilities assisted under Titles VI and XVI of the Act. The current standards are contained in a manual entitled "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities," which are incorporated by reference into regulations at 42 CFR Part 124, Subpart C.

The NPRM proposes to delete the incorporation by reference of this manual from regulation; the manual would continue to be updated and issued as guidance material.

Timetable: The NPRM is expected during the first quarter of FY 1983.

Title: National Guidelines for Health Planning, Rescission of Computed Tomography Scanning Standards

Agency Contact: Lyman Van Nostrand. Acting Associate Administrator for Planning, Evaluation, and Legislation, Health Resources and Services Administration, Center

Building, Room 10–22, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–7270.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 121, Subpart A and C.

Legal Authority: Section 1501 of the Public Health Service Act, 88 Stat. 2227 (41 U.S.C. 300).

Abstract: The Guidelines consist of national health standards respecting the supply, distribution and organization of health resources. This final rule removes the CT scanner standard from the *Code of Federal Regulations.* (The Department will make updated, more flexible technical guidelines available for voluntary use.)

A notice of proposed rulemaking (NPRM) was published in the **Federal Register** on May 20, 1982, to revoke the existing standard Computed Tomography (CT) scanners. The public comment period closed on July 6, 1982. The Final Notice, which takes into consideration the public comments, removes § 121.210 from 42 CFR Part 121.

Timetable: NPRM published on May 20, 1982 (47 FR 21862). Final Rule is expected in the first quarter of FY 1983.

Title: Reasonable Volume of Uncompensated Services to Persons Unable to Pay (Hill-Burton)

Agency Contact: Florence B. Fiori, Director, Bureau of Health Facilities, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–7700.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 124, Subpart F.

Legal Authority: Sections 215 (42 U.S.C. 216), 1610 (42 U.S.C. 300r), 1620(3) (42 U.S.C. 300s), and 1627 (42 U.S.C. 300s–6).

Abstract: The existing regulations at 42 CFR Part 124, Subpart F establish specific requirements that recipients of Federal assistance under Title VI or Title XVI of the PHS Act made assurances that they will make available in the facility constructed, modernized or converted with that assistance, a reasonable volume of services to persons unable to pay for services. The proposed regulation would provide increased flexibility to obligated facilities and reduce administrative burden while assuring access to intended beneficiaries.

Timetable: The NPRM is expected during the first quarter of FY 1983.

Title: Repeal of First-Year Enrollment Increase Requirement

Agency Contact: Florence B. Fiori, Director, Bureau of Health Facilities, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–7700.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: Undetermined.

Legal Authority: Section 720(a)(1) of the Public Health Service Act as amended by the Omnibus Budget Reconciliation Act of 1982 (Public Law 97–35).

Abstract: The Omnibus Budget Reconciliation Act of 1982 (P. L. 97–35) requires the Secretary to unilaterally release all health professions teaching facilities assisted under Section 720(a)(1) of the Public Health Service Act from their previous obligation of increasing their first year enrollment and maintaining that level for 10 years. A notice explaining this release was published in the **Federal Register** on October 1, 1981. Since this is a technical amendment to implement a statutory requirement, this requirement will be codified in a final rule without a public comment period.

Timetable: Final Rule (Technical Amendment) expected during first quarter of FY 1983.

Title: Title XVI Waiver and Recovery

Agency Contact: Jack Moss, Bureau of Health Facilities, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–7755.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 124, Subpart H.

Legal Authority: Public Law 93–641, Section 1622(a).

Abstract: Under Section 1622(a) of the Public Health Service Act, if a medical facility which has been constructed, modernized or converted with funds provided under Title XVI changes its status in certain ways within 20 years, a recovery action (i.e., action to recover the value of the Federal contribution) must be considered. The Government's right to recover funds may be waived under certain circumstances if good cause exists.

One issue that will be considered is whether the greater flexibility in waiver authority provided to the Secretary under Title XVI should be made applicable to existing regulations for assistance provided under Title VI.

Timetable: Notice of Proposed Rulemaking (NPRM) expected during third quarter of FY 1983.

Title: Health Systems Agency and State Health Planning and Development Agency Reviews; Certificate of Need

Agency Contact: William R. Berry, Acting Director, Bureau of Health Planning, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–7170.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a singificant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 143, Subpart D, and Part 123, Subpart E.

Legal Authority: Section 215 of the Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216) Sections 1501–1532 of the Public Health Service Act, 93 Stat. 592–630.

Abstract: The Certificate of Need (CON) Program is a State-run program requiring health care providers to submit certain proposed large capital expenditures for review by the State Health Planning and Development Agency which determines whether the expenditures are needed. If the proposed expenditures are found to be unneeded, the provider faces penalties—which vary from State to State—if the project proceeds.

The proposed rules would raise minimum thresholds for planned projects to be reviewed. Also, States could exempt from review certain projects intended solely for medical research. States also may modify the requirements for a health maintenance organization (HMO) or combination of such organizations to qualify for an exemption. The proposed rules also would give State agencies greater discretion in determining the types of projects to be reviewed, the procedures

to be followed, and the criteria to be considered in reviewing applications.

Timetable: The NPRM is expected during the first quarter of FY 1983. This is an item that will go under review by the Presidential Task Force on Regulatory Relief and is a priority rule.

Title: Limitation on Federal Participation for Capital Expenditures

Agency Contact: William R. Berry, Acting Director, Bureau of Health Planning, Health Resources and Services Administration, East-West Hwy., Hyattsville, Maryland 20782, (301) 436–6850.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 100 Subpart A.

Legal Authority: Section 1122 of the Social Security Act, as amended, 86 Stat. 1386, (42 U.S.C. 1320a–1); section 215 of the Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216), and section 1501–1532 of the Public Health Service Act, as amended, 95 Stat. 570–578 (42 U.S.C. 300K–1–300n–1).

Abstract: This NPRM sets forth provisions under which the Secretary may deny Federal reimbursement under Title XVIII (Medicare) and Title XIX (Medicaid), for expenses related to capital expenditures (1) which the Designated Planning Agency (DPA) has found to be inconsistent with established standards, criteria or plans developed under the Public Health Service (PHS) Act; or (2) for which the DPA was not provided notice as required. The NPRM includes changes made in response to comments received on the NPRM published in the **Federal Register** on March 19, 1976, and changes necessary to conform to the amendments to Title XV of the PHS Act enacted by the Health Planning and Resources Development Amendments of 1979 (P.L. 96–79), the Health Programs Extension Act of 1981 (P.L. 97–35). Also, many States have discontinued their agreements with the Department to perform reviews under the section 1122 program because the requirements of section 1122 are inconsistent with the Department's requirements for acceptable certificate of need (CON) programs. Now, requirements for CON and section 1122 reviews are as alike as possible.

Timetable: The NPRM is expected during the first quarter of FY 1983. This is an item that will be reviewed by the Presidential Task Force on Regulatory Relief and is a priority rule.

Title: Area Health Education Center Programs

Agency Contact: Kenneth Moritsugu, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Hwy., Hyattsville, Maryland 20782, (301) 436–6418.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Subpart MM.

Legal Authority: Section 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); Section 781 of the Public Health Service Act, 90 Stat. 2312 (42 U.S.C. 295g–1), as amended.

Abstract: The final regulations govern the establishment of cooperative agreements between the Secretary and schools of medicine and osteopathy to assist in the planning, development, and operation of Area Health Education Centers (AHECs). These centers are intended to improve the distribution, supply, quality, utilization and efficiency of health personnel in the health service delivery system and to encourage the regionalization of educational responsibilities of health professions schools.

Interim final regulations were published in 1978. The regulations are being updated to conform to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35) and to the Paperwork Reduction Act requirements.

Timetable: Final Rule during first quarter of FY 1983.

Title: Criteria for Evaluation of Plans To Reduce Reliance on Foreign Medical Graduates

Agency Contact: Kenneth Moritsugu, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Hwy., Hyattsville, Maryland 20782 (301) 436–6418.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 45 CFR Part 61 (proposed).

Legal Authority: section 212(j) of the Immigration and Nationality Act Amendments of 1981 (P.L. 97–116), 95 Stat. 611 (8 U.S.C. 1182(j)(2)(A).

Abstract: The Secretary is required to publish criteria by which the HHS Substantial Disruption Waiver Board will evaluate the plans for reduction of reliance on Foreign Medical Graduates (FMGs) which are required of sponsoring programs that apply for waivers on the basis of "substantial disruption." The Secretary also makes recommendations on granting waivers to the International Communications Agency which grants the waivers.

Timetable: Final Rule during the first quarter of FY 1983.

Title: Grants for Advanced Nurse Training Program

Agency Contact: Dr. Mary S. Hill, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6681.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 57, Subpart Z.

Legal Authority: Section 821 of the Public Health Service Act—Nurse Training Act of 1975 (Title IX of P.L. 94–63).

Abstract: These regulations implement the Secretary's authority to make grants to public and nonprofit private collegiate schools of nursing to meet the costs of projects to (1) plan, develop, and operate, (2) significantly expand, or (3) maintain existing programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialities determined by the Secretary to require advanced training and to establish procedures for announcement of funding preferences as warranted.

Timetable: Final Rule expected during the first quarter of FY 1983.

Title: Grants for Predoctoral, Graduate, and Faculty Development Educational Programs in Family Medicine

Agency Contact: Kenneth Moritsugu, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6518.

Effects on Small Businesses and Other Entities: None—It is expected that

this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 57, Subpart Q.

Legal Authority: Section 786(a) of the Public Health Service Act as amended by the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35).

Abstract: These regulations apply to grants for schools of medicine or osteopathy, hospitals, and other public or private nonprofit entities to plan, develop, and operate or participate in predoctoral, graduate, or faculty training. The development of a technical amendment is needed to conform existing regulations to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97–35).

Timetable: Final Rule during first quarter of FY 1983.

Title: Grants for Residency Training in General Internal Medicine or General Pediatrics

Agency Contact: Kenneth Moritsugu, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6418.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 57, Subpart FF.

Legal Authority: Section 784 of the Public Health Service Act as amended by the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35).

Abstract: These regulations set forth requirements for grants for residency training programs in general internal medicine or general pediatrics. The statute expressly states that the Secretary will define training by regulation. The development of a technical amendment is needed to conform existing regulations (42 CFR Part 57, Subpart FF) to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35).

Timetable: Final Rule during first quarter of FY 1983.

Title: Health Professions Curriculum Development

Agency Contact: Thomas Hatch, Director, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6810.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 57, Subpart NN.

Legal Authority: Section 788(b), (formerly 788(d)) of the Public Health Service Act as amended by the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35).

Abstract: Technical amendments to the existing regulations (42 CFR Part 57, Subpart NN) are needed to implement provisions in the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35).

This program provides support to health professions institutions, or other public or nonprofit private entities, for special targeted health professions projects in a variety of high priority areas which train students to function effectively and efficiently as members of a health care team and other projects that address current and emerging health problems. Twenty-three examples are cited specifically in the authorizing legislation.

Timetable: Final Rule during second quarter of 1983, if included in FY 1983 appropriations.

Title: Health Professions Technical Amendments

Agency Contact: Judy Silsbee, Program Coordination Branch, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–7458.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 57, Subparts S&T, and Part 58, Subpart C.

Legal Authority: Omnibus Budget & Reconciliation Act of 1981, P.L. 97–35 Sections 787, 792, and 820 of the PHS Act.

Abstract: The changes in these rules are technical—for example, they amend definitions, references to the Commonwealth of the Northern Marianas, section citations, etc. Included are changes to Educational Assistance to Individuals from Disadvantaged Backgrounds: Public Health Traineeships; and Nursing Special Project Grants.

Timetable: Final Rule during first quarter of FY 1983.

Title: Nurse Practitioner Traineeships

Agency Contact: Dr. Mary S. Hill, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6681.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a singificant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR part 57, Subpart Y.

Legal Authority: Section 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216), Section 822(b) of the Public Health Service Act, 91 Stat. 393 (42 U.S.C. 296m); as amended by 95 Stat. 930 (42 U.S.C. 254e).

Abstract: This final regulation governs a grant program to provide traineeships for nurse practitioner training to registered nurses. The rule deletes the requirement that trainees must be residents of health manpower shortage areas and provides instead that applicants from such areas be given special considerations; the rule modifies practice commitment requirements and includes conditions for waiver or suspension of repayments.

No funding for future traineeships is anticipated. The rule is needed to administer existing traineeships and to monitor compliance and repayment/waivers.

Timetable: Final Rule during first quarter of FY 1983.

Title: Project Grants for Establishment of Departments of Family Medicine

Agency Contact: Kenneth Moritsugu, Bureau of Health Professions, Health Resources and Services Administration, Center Building 3700 East-West Highway, Hyattsville, Maryland 20782, (3031) 436–6418.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a singificant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 75, Subpart R.

Legal Authority: Section 780 of the Public Service Act as amended by the Ominibus Reconciliation Act of 1981, Public Law 97–35.

Abstract: These regulations govern the award of grants to schools of medicine and osteophathy to establish or strengthen departments, divisions, or other academic administrative units which provide clinical instruction in family medicine. A primary purpose is to assist family medicine units attain equal administrative status with other major clinical units. The rule is being prepared to conform 42 CFR Part 57, Subpart R, to the Omnibus Budget Reconciliation Act of 1981 (P. L. 97–35) and to reflect comments received in response to a notice of proposed rulemaking (NPRM) published in the **Federal Register** on October 16, 1980.

Timetable: Final Rule duing the first quarter of FY 1983.

Title: Standards for Accreditation of Educational Programs and Certification of Selected Medical and Dental Personnel Who Administer Radiologic Procedures

Agency Contact: Thomas D. Hatch, Director, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Hwy., Hyattsville, MD 20782 (301) 436–6810.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a singificant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 75, (proposed).

Legal Authority: Section 979 of the Consumer Patient Radiation and Safety Act of 1981 (P.L. 97–35), 95 Stat. 599–600 (42 U.S.C. 10004).

Abstract: The Department is proposing rulemaking to establish standards for both the accreditation of educational programs and the certification of radiologic personnel.

Standards have been developed after consultation with relevant professional and State officials for accreditation of educational institutions and certification of radiologic personnel. The categories of personnel to be affected by the initial standards are: radiographers, dental hygienists, dental assistants, radition therapy technologists, and nuclear medicine technologists. The standards are mandatory for agencies of the Federal Government. Standards are voluntary for States.

Timetable: Notice of Proposed Rulemaking (NPRM) is scheduled during the first quarter of FY 1983.

Title: Training Grants for Preventive Medicine Residency Program

Agency Contact: Kenneth Moritsugu, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6418.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 57, (proposed).

Legal Authority: Section 793 of the Public Health Service Act as amended by the Omnibus Reconcilitation Act of 1981 (P. L. 97–35).

Abstract: These regulations would implement provisions of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35) which give the Secretary new authority for a grants program which will assist schools of medicine, osteopathy, and public health in the planning and development of new residency programs and the maintenance and improvement of existing residency training programs in preventive medicine. Funds from this program can be used to provide financial assistance to trainees in the residency programs.

Timetable: Notice of Proposed Rulemaking (NPRM) during third quarter of FY 1983, if included in FY 1983 appropriations.

Title: Indian Health Service/Health Resources and Services Administration; Pregraduate Education Scholarship Program

Agency Contact: Pierre Colombel, Indian Health Service, 5600 Fishers Lane, Room 6A–23, Rockville, Maryland 20857, Telephone (301) 443–5441.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the regulatory flexibility Act.

CFR Citation: 42 CFR 36 Subpart J.

Legal Authority: Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) and Indian Health Amendments of 1980 (25 U.S.C. 1601 et seq.)

Abstract: The proposed rule covers the new four year pregraduate scholarship program authorized by the Indian Health Care Amendments of 1980, Pub. L. 96–537, which is intended to encourage Indians to enter the health professions and to ensure the availability of Indian health professionals to serve Indians. The proposal would also change the current regulation governing the Health Profession Preparatory Scholarship Program for Indians (1) to provide for the contingency that the stipend could be reduced if Federal salaries were reduced; and (2) to remove the requirement that an annual list of scholarship recipients be published in the **Federal Register.**

Timetable: Notice of Proposed Rulemaking (NPRM) expected to be published in the 2nd quarter FY 1983.

Title: Contact Health Service Delivery Area for the Penobscot Reservation

Agency Contact: Jim Mitchell, Indian Health Service, 5600 Fishers Lane, Room 5A–27, Rockville, Maryland 20857, Telephone (301) 443–2694.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the regulatory flexibility Act.

CFR Citation: 42 CFR 36.22.

Legal Authority: Snyder Act (25 U.S.C. 13); Transfer Act (42 U.S.C. 2001–2004).

Abstract: In response to a request from the Penobscot Nation, a notice of proposed rulemaking (NPRM) was published on January 6, 1981 proposing to enlarge the Contract Health Service Delivery Area (CHSDA) for the Penobscot Reservation. The proposal would have expanded the CHSDA beyond reservation boundaries to twelve additional counties in the State of Maine.

Timetable: NPRM published on January 6, 1981 (46 FR 1318). Next action undertermined.

Title: Persons to Whom Services Will Be Provided, Basic Indian Eligibility for Services

Agency Contact: Richard J. McCloskey, Indian Health Service, 5600 Fishers Lane, Room 6A–14, Rockville, Maryland 20857, Telephone (301) 443–1116.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the regulatory flexibility Act.

CFR Citation: 42 CFR 36.12.

Legal Authority: Snyder Act (25 U.S.C. 13); Transfer Act (42 U.S.C. 2001–2004).

Abstract: The Indian Health Service is considering amending the regulations governing basic Indian eligibility for services. Various suggestions have been made by those concerned with the growing difficulty of clearly identifying those who are eligible for services and the impact of an increasing IHS service population combined with tighter resources. The purpose of the **Federal Register** notice is simply to solicit additional ideas and suggestions as to the best, fairest and most workable approach to Indian eligibility before making any specific proposal.

Timetable: **Federal Register** Notice soliciting public comments expected to be published in the 2nd quarter FY 1983.

Title: Persons to Whom Services Will Be Provided, Non-Indian Spouses of Eligible Indians

Agency Contact: Richard J. McCloskey, Indian Health Service, 5600 Fishers Lane, Room 6A–14, Rockville, Maryland 20857, Telephone (301) 443–1116.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the regulatory flexibility Act.

CFR Citation: 42 CFR 36.12.

Legal Authority: Snyder Act (25 U.S.C. 13); Transfer Act (42 U.S.C. 2001–2004).

Abstract: Current regulations provide Indian Health Services to the non-Indian wives of eligible Indians. The Indian Health Service has been advised that this provision is a legally indefensible discrimination based on sex. The notice of proposed rulemaking (NPRM) proposed to make the non-Indian spouse (husband and wife) eligible for IHS care. The NPRM also proposed to limit care to non-Indian members of an eligible Indian's family which would be a tightening of the current IHS policy which deals with Indian households.

Timetable: Notice of Proposed Rulemaking published December 16, 1980 (45 FR 82450). The comments and options are under review. A final rule or a revised proposal is expected to be published in the 2nd quarter FY 1983.

Title: Medical Care for Seamen and Certain Other Persons

Agency Contact: Walter W. Ward, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

Effects on Small Businesses and Other Entities: None.

CFR Citation: 42 CFR 32.

Legal Authority: Public Health Service Act, (secs. 320 and 322(b) (42 U.S.C. 255 and 249(b), respectively)). Public Law 97–35, section 986.

Abstract: The proposed regulation will delete obsolete sections related to the provision of medical care for seafarers by the Public Health Service. The entitlement was terminated by Public Law 97–35 on October 1, 1981.

Timetable: Notice of Proposed Rulemaking expected to be waived and Final Rule to be published in first quarter of FY 1983.

Title: Health Professions Student Loan Program (HPSL); Debt Management; Delinquency Rates

Agency Contact: Sarah J. Silsbee, Chief, Program Coordination Branch, HRSA, BHPr, Room 422, 3700 East-West Highway, Hyattsville, Maryland 20782, 301 436–7458.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR, Part 57, Subpart C.

Legal Authority: Public Health Service Act (Sections 740–744 (42 U.S.C. 297m–q)).

Abstract: The amendments in the HPSL regulations are designed to help reduce the delinquency rate and increase the debt collection efforts in the HPSL program. The proposed rule would: (1) require schools to use credit bureaus, collection agencies and litigation in collecting delinquent loans; (2) require the submission of financial aid transcripts by loan applicants; (3) require the establishment of monthly repayment schedules; (4) mandate the inclusion in all promissory notes of an acceleration clause to be exercised at the school's option; (5) permit schools to grant forbearance in extraordinary circumstances; (6) set performance standards which require schools to achieve a delinquency rate of not more than 5 percent by March 31, 1983; define delinquent accounts as those more than 30 days overdue; and establish a uniform formula for computing borrower and dollar delinquency rates; (7) require the submission of a quarterly report on the status of the program; and (8) require the retention of repayment records of borrowers for a 5-year period after a loan has been repaid.

Timetable: Notice of Proposed Rulemaking published August 31, 1982 (47 F.R. 3865) with a 45 day comment period. Final Rule expected to be published second quarter FY 83.

Title: National Health Service Corps (NHSC); Need and Demand Criteria; Private Practice Option (PPO) Loans to Individuals

Agency Contact: James J. Corrigan, Associate Bureau Director for Legislation and Policy, HRSA, BCHDA, Room 7–05, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443–2380.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR, Part 23.

Legal Authority: Public Health Service Act (Sections 331–338, 338C and 338E (42 U.S.C. 254f)).

Abstract: The amendments to the NHSC regulations are needed to implement P.L. 97–35. The Secretary is now required to evaluate the current criteria for shortage area designation to determine if the use of the criteria has resulted in areas which do not have a shortage of health professions personnel being designated. Different criteria (including the actual use of health professions personnel in an area, taking into account residents' health status, and indicators of an unmet demand and the likelihood that such demand will not be met in two years) is required to be considered. The Secretary is required to report to the Congress not later than November 30, 1982, on the results of these activities.

Also the Secretary is authorized to make such arrangements as are deemed necessary for the individual exercising the private practice option for the use of equipment and supplies and for the lease or acquisition of other equipment and supplies. Upon the expiration of the private practice agreement, the Secretary may sell to the individual equipment and other property of the United States utilized by the individual in providing health services. Sales may be made at fair market value, except that the Secretary is permitted to make such sales for a lesser value if he determines that the individual is financially unable to pay the full market value.

Timetable: Notice of Proposed Rulemaking expected to be published first quarter FY 83 with a 45–60 day comment period.

Title: Nursing Student Loan Program (NSL); Debt Management; Delinquency Rates

Agency Contact: Sarah J. Silsbee, Chief, Program Coordination Branch, HRSA, BHPr, Room 422, 3700 East-West Highway, Hyattsville, Maryland 20782, 301 436–7458.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR, Part 57, Subpart D.

Legal Authority: Public Health Service Act (Sections 835–841 (42 U.S.C. 216)).

Abstract: The amendments in the NSL regulations are designed to help reduce the delinquency rate and increase the debt collection efforts in the NSL program. The proposed rule would: (1) require schools to use credit bureaus,

collection agencies and litigation in collecting delinquent loans; (2) require the submission of financial aid transcripts by loan applicants; (3) require the establishment of monthly repayment schedules; (4) mandate the inclusion in all promissory notes of an acceleration clause to be exercised at the school's option; (5) permit schools to grant forbearance in extraordinary circumstances; (6) set performance standards which require schools to achieve a delinquency rate of not more than 5 percent by March 31, 1983; define delinquent accounts as those more than 30 days overdue; and establish a uniform formula for computing borower and dollar delinquency rates; (7) require the submission of a quarterly report on the status of the program; and (8) require the retention of repayment records of borrowers for a 5-year period after a loan has been repaid.

Timetable: Notice of Proposed Rulemaking expected to be published first quarter FY 83 followed by a 45 day comment period.

Title: Health Education Assistance Loan (HEAL) Insurance Premium

Agency Contact: Sarah J. Silsbee, Chief, Program Coordination Branch, HRSA, BHPr, Room 422, 3700 East-West Highway, Hyattsville, Maryland 20782, 301 436–7458.

Effects on Small Businesses and Other Entities: It is expected that this final rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR, Part 60.14.

Legal Authority: Public Health Service Act (Sections 727–739 (U.S.C. 294–2941)).

Abstract: In order to ensure that sufficient funds will be available to cover insurance claims paid to HEAL lenders, the Secretary is proposing to increase the rate of the insurance premium to 1 percent per year of the loan principal effective on the first day of the calendar quarter beginning after the date of publication of the regulations.

Timetable: Final regulations expected to be published first quarter FY 83.

Title: National Health Service Corps (NHSC) Scholarship Program; Breach of Contract; Obligated Service

Agency Contact: James J. Corrigan, Associate Bureau Director for Legislation and Policy, HRSA, BCHDA, Room 7–05, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443–2380.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR, Part 62.

Legal Authority: Public Health Service Act (Sections 338A–F (42 U.S.C. 294t)).

Abstract: An individual who has entered into a written scholarship contract will be given an opportunity to withdraw without incurring damages. Also, A Private Practice Option (PPO) individual will be considered a civilian member of the NHSC and can fulfill his/her service obligation through the PPO.

Timetable: Notice of Proposed Rulemaking expected to be published first quarter FY 83 with a 45–60 day comment period.

Title: Grants for Maternal and Child Health Services Federal Set-Aside Program

Agency Contact: James J. Corrigan, Associate Bureau Director for Legislation and Policy, Bureau of Health Care Delivery and Assistance, Room 7–05, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443–2380.

Effects on Small Businesses and Other Entities: This notice will not significantly impact on small business or other entities.

CFR Citation: 42 CFR Parts 51a, 51d, and 51f.

Legal Authority: Section 502a of Title V of the Social Security Act.

Abstract: The Omnibus Budget Reconcilation Act of 1981 (Pub. L. 97–35) revised Title V of the Social Security Act to establish the Maternal and Child Health Service Block Grant. In the block grant there is a Federal Set-Aside Program which provides for the retention of 10 to 15 percent of the appropriation in each fiscal year for continuation of certain categorical programs (special projects of regional and national significance, maternal and child health research and training, genetic disease testing, counseling and information and hemophilia diagnostic and treatment centers). A Final Rule, published on June 25, 1982, made regulations for the previous programs applicable to the set-aside authority until regulations specifically designed for the set-aside could be developed.

Timetable: NPRM will be published first quarter FY 1983.

Title: Program Grants for Migrant Health Services

Agency Contact: James J. Corrigan, Associate Bureau Director for Legislation and Policy, Bureau of Health Care Delivery and Assistance, Room 7–05, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–2380.

Effects on Small Business and Other Entities: This regulation will increase opportunities for States to become grantees under this program. Not every State will choose to implement this approach and it is anticipated that many who do will implement it in co-application with existing grantees. Therefore, it is expected that this regulation will not have a significant impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 56.

Legal Authority: Public Health Service Act, (Sections 215, 329 (92 Sta. 3551–3555), (42 U.S.C. 216, 254 b)).

Abstract: A notice of proposed rulemaking (NPRM) was published in the **Federal Register** on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95–626, the Health Services Amendments of 1979. Because of administrative changes and new policy direction, a new NPRM will be developed to place greater emphasis on and to facilitate State participation in this program. The new NPRM would also simplify the regulation and incorporate the provisions of Pub. L. 95–626. These regulations will simplify application requirements for States, give certain priorities to awards to States, and will offer alternatives for States to meet requirements which have tended to be barriers to States.

Timetable: NPRM published 12/19/80, 45 FR 85366. A revised NPRM will be published during the second quarter fiscal year 1983.

Title: Grants for Community Health Services Program

Agency Contact: James J. Corrigan, Associate Bureau Director for Legislation and Policy, Bureau of Health Care Delivery and Assistance, Room 7–05, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–2380.

Effects on Small Business and Other Entities: It is anticipated that the Community Health Centers Program will be subsumed in the Primary Care Block Grant Program during the next two years and, therefore, revision of the regulations would be unnecessary at this time. Thus, there will be no impact at this time on small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR 51c.

Legal Authority: Public Health Service Act, (Section 330 (42 U.S.C. 254c)).

Abstract: A notice of proposed rulemaking (NPRM) was published in the **Federal Register** on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95–626, the Health Services Amendments of 1979. However, administrative changes and new policy directions—passage and implementation of the Primary Care

Block Grant Program in the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35—rendered the NPRM obsolete. Since it is anticipated that the Primary Care Block Grant will incorporate the Community Health Centers program within two years no further action is anticipated on these regulations at this time.

Timetable: NRPM published 12/19/80, 45 FR 83544.

Title: Program Grants for Black Lung Clinics

Agency Contact: James J. Corrigan, Associate Bureau Director for Legislation and Policy, Bureau of Health Care Delivery and Assistance, Room 7–05, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–2380.

Effects on Small Business and Other Entities: This regulation will have no significant effect on small business and other entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 55a.

Legal Authority: Sec. 427(a) of Federal Mine Safety and Health Act.

Abstract: This is a notice of proposed rulemaking (NPRM) which would amend the current Black Lung Clinics regulation. It would implement an administrative decision to simplify the regulation and to foster a greater role for the States in the administration of the program.

Timetable: NPRM is expected to be published second quarter fiscal year 1983.

Title: Health Maintenance Organizations

Agency Contact: Dwight Blankenbaker, Director, Policy Office, Office of Health Maintenance Organizations, Park Building—Rm. 3–10, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4695.

Effects on Small Business and Other Entities: The Department has determined that these proposed rules would have no significant impact on a substantial number of small entities, including HMOs, small businesses, small organizational units, and small governmental jurisdictions.

CFR Citation: 42 CFR Part 110.

Legal Authority: Sec. 215 of the Public Health Service Act, as amended, 58 Stat. 690 (42 U.S.C. 216); secs. 1301–1318, as amended, Pub. L. 97–35, 95 Stat. 572–578 (42 U.S.C. 300e–300e–17).

Abstract: The regulations at 42 CFR Part 110, Subparts, A, B, C, H, & I would be amended, through a notice of proposed rulemaking, to provided needed regulatory guidance concerning certain provisions in the Health Maintenance Organization Amendments of 1981. These rules govern the organization and operation of health maintenance organizations (HMOs). These rules specifically establish criteria for submitting a grant, loan, or loan guarantee application; establish requirements for certain employers and States to offer to their employees the option of membership in qualified HMOs; and establish requirements for continued compliance of Federally qualified HMOs. Changes would include regulatory interpretations of community rating by class (CRC), the definition of primary care outside the HMO's service area, and the protection of HMO members from liability of payment of any fees which are the legal obligation of the HMO. In addition, the regulations would be amended to delete burdensome or unnecessary regulatory provisions.

Timetable: A Notice of Proposed Rulemaking is expected to be published during the first quarter of fiscal year 1983.

Title: National Library of Medicine Programs—Revision of General Rules for the National Library of Medicine, National Library of Medicine Grants, National Institutes of Health and National Library of Medicine Training Grants

Agency Contact: Kenneth Carney, Executive Officer, National Library of Medicine, Bethesda, Maryland 20209, (301) 496–6491.

Effects on Small Business and Other Entities: The amendments to these regulations will have negligible effect on small businesses and other entities.

CFR Citation: 42 CFR Parts 4, 59a, 63 and 64.

Legal Authority: 42 U.S.C. 216, 42 U.S.C. 276, 42 U.S.C. 280b–2.

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information.

The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be deleted because NIH no longer has general traineeship authority and the sole remaining NLM program is unfunded. The regulations at 42 CFR Part 634 govern the training grants of NIH and NLM.

Timetable: Proposed regulations are expected to be published before the end of 1982.

Title: Conduct of Persons and Traffic on Certain Federal Enclaves—Revision of General Rules

Agency Contact: William G. Ketterer, Senior Attorney, NIH, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6043.

Effects on Small Business and Other Entities: The amendments of 45 CFR 3 will have no effect on small businesses and other entities.

CFR Citation: 42 CFR Part 3.

Legal Authority: Sec. 1–5, 63 Stat. 281, as amended, 75 Stat. 574 (40 U.S.C. 318–318d) Sec. 205, 63 Stat. 389 as amended. 64 Stat. 591, 75 Stat. 414, 40 U.S.C. 486. Delegations of Authority 33 FR 604, 41 FR 34346, 44 FR 15774.

Abstract: The regulations govern the conduct of individuals and traffic on the National Institutes of Health reservation in Bethesda, Maryland and the U.S. PHS Hospital at Staten Island, N.Y. The regulations are being amended to remove coverage of the Staten Island PHS Hospital. That facility has been transferred to Bayley Seton Hospital, a private non-profit New York Corporation.

Timetable: The final rule should be published during the second quarter of FY 1983.

Title: National Institutes of Health Center Grants 42 CFR 52a

Agency Contact: Lowell D. Peart, NIH Regulations Officer, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4606.

Effects on Small Business and Other Entities: The regulations will have no effect on small businesses and other entities.

CFR Citation: 42 CFR Part 59a.

Legal Authority: 42 U.S.C. 287d, 289c–2 and 6.

Abstract: The regulations would cover grants by the National Institutes of Health for support of research and demonstration centers. They would replace existing regulations covering only centers supported by the National Heart, Lung and Blood Institute. These regulations would be available for other center programs which may be created in the future or operated under the general research authorities of NIH.

Timetable: Proposed regulations are expected to be published in the second quarter of FY 1983.

Title: Protection of Human Subjects: Regulations on Research Involving Children

Agency Contact: Dr. Charles McCarthy, Director, Office for Protection from Research Risks, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–7163.

Effects on Small Business and Other Entities: The regulations will have no effect on small businesses and other entities.

CFR Citation: 45 CFR Part 46.

Legal Authority: 5 U.S.C. 301.

Abstract: The regulations will provide additional protections for children who are research subjects of DHHS supported research. Institutional Review Boards will have added responsibilities to review research involving children. These regulations define the circumstances under which such research can be conducted or supported, describe procedures for the review and approval of the research, and identify the requirements for informed consent to participate in research by and for such subjects. The regulations require permission from parents and guardians and except under certain circumstances from the children themselves.

The National Research Act requires the Secretary to publish all recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavorial Research. The regulations will adopt, with some changes, the recommendations made by the Commission.

Timetable: Final regulations should be published before the end of the second quarter in FY 1983.

Title: National Research Service Awards

Agency Contact: William F. Raub, Ph.D., Associate Director for Extramural Research and Training, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–1096.

Effects on Small Business and Other Entities: The regulations will have no effect on small businesses and other entities.

CFR Citation: 42 CFR Part 66.

Legal Authority: 472 of PHS Act (42 U.S.C. 289*l*–1) as recently amended.

Abstract: National Research Service Awards are made by PHS agencies to promote training in specified areas of science at both the pre-doctoral and post-doctoral level. The technical amendments are intended to comply with statutory changes mandated by the Omnibus Budget Reconciliation Act of 1981. The amendments liberalize the payback options available to Award recipients, and make minor technical changes in the regualtions.

Timetable: Regulations should be proposed before the end of the second quarter of FY 1983.

Reviews of Existing Regulations

Common or Usual Names for Non-Standardized Foods—Juice Beverages

Agency Contact: Howard Pippin, Chief, Guidelines and Compliance Research Branch, Division of Regulatory Guidance, Bureau of Foods (HFF–312), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204, 202–245–3092.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR 102.30, 102.32, 102.33.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a) (21 U.S.C. 321(n), 343, 371(a))).

Abstract: As part of its retrospective review, FDA is currently reviewing these final rules concerning a common or usual name for diluted fruit or vegetable juice beverages other than diluted orange juice beverages, diluted orange beverages, and noncarbonated beverage products containing no fruit or vegetable juice. Because of the similarity of these three rules, FDA has concluded that it would be appropriate to review them together.

To avoid imposing substantial compliance costs that may later be found unnecessary should the review process result in a decision to revoke or modify the present rules, FDA proposed in the **Federal Register** of March 26, 1982 (47 FR 13003) to extend the effective date for compliance with a 1980 rule establishing common or usual name labeling requirements for diluted fruit or vegetable juice beverages.

Timetable: A final notice extending the effecitve date for a common or usual name for diluted fruit or vegetable juice beverages expected to publish in the first quarter in FY 1983. By September 1983, FDA expects to decide whether to retain the rules unchanged or to initate rulemaking to revise or revoke them.

Title: Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding Human Food (Umbrella Rule)

Agency Contact: F. Leo Kauffman, Chief, Formulation Section, Plant and Protein Technology Branch, Division of Food Technology, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204,202–245–1164.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR 110.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 302, 303, 304, 402(a), 701(a) (21 U.S.C. 332, 333, 334, 342(a), 371(a))).

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current "umbrella" GMPs in 21 CFR Part 110.

Timetable: By September 1983, FDA expects to decide whether to retain the rules unchanged or to initiate rulemaking to revise or revoke them.

This rule will be reviewed by the President's Task Force on Regulatory Relief and is a priority rule.

Title: Current Good Manufacturing Practice for Finished Pharmaceuticals

Agency Contact: Robert J. Meyer, Consumer Safety Officer, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR Part 211.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 512, 701(a) (21 U.S.C. 351, 352, 360b, 371(a))).

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable: By September 1983, FDA expects to decide whether to retain the rules unchanged or to initiate rulemaking to revise or revoke them.

Title: Antibiotic Drugs

Agency Contact: Robert J. Meyer, Consumer Safety Officer, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR Parts 430–460.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs, 505, 507, 701(f) and (g) (21 U.S.C. 355, 357, 371(f) and (g)).

Abstract: As part of its retrospective review, FDA is currently reviewing these final rules to determine which should be maintained in effect and which may no longer be necessary for the review and approval of antibiotic drugs. One aspect of this retrospective review has been completed by publication of a final rule exempting antibiotic drugs and antibiotic susceptibility medical devices from certification. (See entry under Completed Actions)

Timetable: By September 1983, FDA expects to decide whether to retain the

rules unchanged or to intitiate rulemaking to revise or revoke them.

Title: Blood and Blood Products

Agency Contact: Steven F. Falter, Consumer Safety Officer, National Center for Drugs and Biologics (HFB–620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

Effects on Small Businesses and Other Entities: The agency anticipates that this retrospective review would result in a relief of regulatory burden. However, the actions would probably not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 21 CFR Parts 606, 640, 660.

Legal Authority: Federal Food, Drug, and Cosmetic Act (sec. 701(a)) (21 U.S.C. 371(a)) and the Public Health Service Act (sec. 351) (42 U.S.C. 262)

Abstract: As part of its retrospective review, FDA plans to issue one or more proposed rules to amend the biologics rules concerning blood and blood products to eliminate unnecessary regulatory burdens while maintaining appropriate public protection. Many of the proposed revisions would respond to comments received by the agency at public meetings held to consider the retrospective review of FDA's exisiting rules.

Timetable: Notice(s) of Proposed Rulemaking expected to publish in the fourth quarter of FY 1983.

Title: Bubble Bath Products

Agency Contact: Heinz J. Eiermann, Director, Division of Cosmetics Technology, Bureau of Foods (HFF–440), Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–245–1530.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR Part 740.17

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(n), 602(a), 701(a) (21 U.S.C. 321(n), 362, 371(a)))

Abstract: As part of its retrospective review, FDA is reviewing this 1980 final rule requiring that labels of cosmetic bubble bath products bear a prescribed caution statement and adequate directions for their safe use. Petitions from two trade associations assert, among other things, that the requirements of the rule are unjustified and place an undue burden on industry.

Timetable: Interim stay of effective date expected to publish in the first quarter of FY 1983, along with a notice of proposed stay and a request for comments, data, and information.

Title: Investigational Exemptions for Intraocular Lenses

Agency Contact: Roger W. Barnes, Deputy Director, Division of Ophthalmic, Ear, Nose, and Throat and Dental Devices, Bureau of Medical Devices (HFK–460), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7536.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21CFR Part 813.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 301, 501, 502, 520, 701, 704, 801 (21 U.S.C. 331, 351, 352, 360j, 371, 374, 381))

Abstract: As part of its retrospective review, FDA is reviewing this rule in Part 813 that requires sponsors to submit to FDA an application before beginning a clinical study of an investigational intraocular lens intended to be surgically implanted into the eye to replace the natural lens. FDA's regulations in Part 812 provide requirements for the performance of a clinical study of investigational devices other than intraocular lenses. To eliminate unnecessary regulations, FDA is considering whether a clinical study of an intraocular lens may be regulated by FDA under the more general requirements in Part 812, instead of the specific requirements in Part 813.

Timetable: By September 1983, FDA expects to decide whether to retain unchanged the specific rule in Part 813 or to initiate rulemaking to revise or revoke it.

Title: Records and Reports; Electronic Products

Agency Contact: John G. Bailey, Director, Technical Information Staff, Bureau of Radiological Health (HFX–25), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3434.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR Part 1002.

Legal Authority: Public Health Service Act (secs. 354–360F (42 U.S.C. 263b–263m)).

Abstract: As part of its retrospective review, FDA plans to determine the need for revision of the various records and reports requirements in Part 1002 for radiation-emitting electronic products to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable: By September 1983, FDA expects to decide whether to retain the rules unchanged or to initiate rulemaking to revise or revoke them.

Completed Actions

Title: Enforcement Policy; Infant Formula Recalls

Agency Contact: John M. Taylor, Director, Division of Regulatory Guidance, Bureau of Foods (HFF–310), Food and Drug Administration, 200 C Street, SW., Washington, D.C. 20204, 202–245–3092.

Abstract: This final rule establishes recall procedures for removing adulterated infant formula from the marketplace.

Timetable: Notice of Proposed Rulemaking published January 15, 1982 (47 FR 9331). Final Rule published April 30, 1982 (47 FR 18832).

Title: User Labeling for Menstrual Tampons

Agency Contact: Maria E. Donowa, Special Medical Assistant, Bureau of Medical Devices (HFK–300), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7175.

Abstract: This final rule requires manufacturers of menstrual tampons to include information on toxic shock syndrome (TSS) in the labeling of the device.

Timetable: Notice of Proposed Rulemaking published October 21, 1980 (45 FR 69840). Final rule published June 22, 1982 (47 FR 26982).

Title: Over-the-Counter (OTC) Drug Review Upset Stomach (Antacid Amendment)

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, National Center for Drugs and Biologics (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

Abstract: This document amended the labeling provisions for over-the-counter (OTC) antacid drug products to permit the use of the term "upset stomach." The Food and Drug Administration (FDA) is taking this action because it has concluded that consumers use the term "upset stomach" to describe symptoms associated with gastric hyperacidity. In addition, FDA is amending the monograph for OTC antacid drug products to include a "Statement of Identity" paragraph. The agency is taking this action after considering public comments on the proposed rule. This final rule is part of FDA's ongoing review of OTC drug products.

Timetable: Notice of Proposed Rulemaking published September 21, 1979 (44 FR 54731). Final Rule published August 31, 1982 (47 FR 38481).

Title: Over-the-Counter (OTC) Drug Review Upset Stomach (In Vitro Test Amendment)

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, National Center for Drugs and Biologics (HFD–510), Food and drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

Abstract: The Food and Drug Administration (FDA) revised the administration procedures by which persons might request and be granted a modification of the in vitro test for over-the-counter (OTC) antacid drug products. This document also contains a redelegation of authority to FDA's National Center for Drugs and Biologics (NCDB) to grant or deny petitions for a test modification. This action is taken to make these procedures conform to the agency's current administrative regulations and to clarify the procedures for submitting such a request.

Timetable: Notice of Proposed Rulemaking published May 27, 1980 (45 FR 35349). Final Rule published August 31, 1982 (47 FR 38480).

Title: Over-the-Counter (OTC) Drug Review; Camphorated Oil Drug Products for Human Use

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, National Center for Drugs and Biologics (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

Abstract: This final rule establishes that any camphorated oil drug product or any similar drug product for human use is misbranded and a new drug, and is subject to regulatory action unless it is the subject of an approved new drug application. FDA is issuing this final rule after considering public comments on the proposed rule. This final rule is part of FDA's ongoing review of OTC drug products.

Timetable: Notice of Proposed Rulemaking published September 26, 1980 (45 FR 63869). Final Rule published September 21, 1982 (47 FR 41716).

Title: Patient Package Inserts for Prescription Drug Products

Agency Contact: Eileen Hodkinson, Regulatory Counsel, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6490.

Abstract: This final rule revokes 21 CFR Part 203 that established a pilot program in which FDA required the dispenser of certain human drug products to provide labeling to the patient when the products were dispensed. This part was scheduled for retrospective review announced by FDA in its July 2, 1982 notice (47 FR 29004) establishing priorities for reviewing the agency's existing rules under the Regulatory Flexibility Act and Executive Order 12291.

Timetable: Stay of the effective dates of FDA's patient package insert program published April 28, 1981 (46 FR 23739 and 23815). Public meetings held September 30, 1981 and October 1, 1981. Notice of Proposed Rulemaking to revoke the regulations published February 17, 1982 (47 FR 7200). Final Rule published September 7, 1982 (47 FR 39147).

Title: Exemption of Antibiotic Drugs and Antibiotic Susceptibility Medical Devices from Certification

Agency Contact: Theodore E. Herman, Deputy Director, Regulations Policy Staff, Office of Regulatory Affairs (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

Abstract: This final rule amends the antibiotic drug and new animal drug rules to exempt all classes of antibiotic drugs from batch certification requirements. The rule also exempts antibiotic susceptibility devices from batch certification.

Timetable: Notice of Proposed Rulemaking published May 7, 1982 (47 FR 19954). Final Rule published September 7, 1982 (47 FR 39155).

Title: Health Maintenance Organizations; Procedural Regulations

Agency Contact: Dwight Blankenbaker, Director, Policy Office, Bureau of Health Mainenance Organizations and Resource Development, Health Resources and Services Administration, Park Building, Room 3–10, 12420 Parklawn Drive, Rockville, MD 20857, Telephone 301–443–4695.

Abstract: These final rules amended the Public Health Service regulations at 42 CFR Part 110, Subparts A–J, governing the operations of health maintenance organizations (HMOs) to reflect changes in the HMO law. In addition, changes were made in the provisions governing repayment of grant funds and the award of loans or loan guarantees to eligible HMOs.

Timetable: Final Rule published on May 5, 1982 (47 FR 19336).

Title: Qualification of Health Maintenance Organizations

Agency Contact: Dwight Blankenbaker, Director, Policy Office, Bureau of Health Mainenance Organizations and Resource Development, Health Resources and Services Administration, Park Building, Room 3–10, 12420 Parklawn Drive, Rockville, MD 20857, Telephone 301–443–4695.

Abstract: These final rules amended the Public Health Service regulations at 42 CFR Part 110, Subpart F, on qualification of health maintenance organizations (HMSs). Changes were made to update the procedural requirements for entities applying for Federal qualifications as an HMO.

Timetable: Final Rule published on July 21, 1982 (47 FR 31666).

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS

Priority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Pre-admission Diagnostic Service: Same Hospital.	Sheila Ryan, Director, Division of Medical Services Coverage Policy, Room 489, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8561.	This regulation provides 100% reimbursement for certain preadmission diagnostic services furnished on an outpatient basis within 7 days before admission to the hospital as an inpatient. It is intended to attain cost savings allowed by the law.	No	42 CFR 405.240 and 405.242.	Sec. 932 and 934 of P.L. 96-499.	PC to be published 4th quarter FY 82; next action undetermined.
HHA Cost Limits (Effective 10/1/82).	Carl Slutter, Director, Division of Health Care Cost Containment, Room 190, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9344.	This regulation establishes a revised schedule of limits on Medicare payments for home health agency services. Revises methodology to allow a single limit for hospital-based and freestanding HHAs. It is intended to prevent Medicare payment for home health agency costs that result from inefficiency.	No	NA	Sec. 223 of P.L. 92-603	PNC to be published 4th quarter FY 82; next action undetermined.
Medicaid Cost Sharing.	Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation revises the rule concerning imposition of cost sharing amounts on Mediaid recipients. It remvoes the prohibition on States from imposing deductibles, coinsurance or copayments on categorically or medically needy individuals with certain exceptions. States are precluded from imposing such charges for services furnished to children, pregnant women and certain institutionalized patients. It prohibits imposition of deductibles, cost sharing or similar charges for emergency and family planning services and supplies to any individual. Services furnished by an HMO to a categorically needy individual who is enrolled in the HMO are also exempt in cost sharing. Medically needy HMO enrolles may also be exempt.	No	42 CFR 447.50, 447.59.	Sec. 1902(a)(14) of the Social Security Act as amended by Sec. 131 of Tax Equity and Fiscal Responsibility Act.	PC 2nd quarter FY 83.
State Residency Policy Revision.	Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation clarifies State responsibilities regarding Medicaid eligibility based on residency. It gives States greater flexibility in regard to interstate agreements. It is intended to provide greater flexibility to States. (Regulatory Reform).	No	42 CFR 435.403, 436.403.	Sec. 1902(a)(16) and 1902(b)(3) of the Social Security Act.	NPRM 1st quarter FY 83. This regulation is a review item of the Presidential Task Force on Regulatory Relief.
Medicaid Overpayment Reporting Requirements.	Guy Harriman, Chief, Recovery Evaluation Branch, Room 1-B-2, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8194.	This regulation requires States to establish procedures to identify overpayments made to providers of services and report them to HCFA on a timely basis. It is intended to reduce State and Federal Medicaid costs and improve program efficiency.	No	42 CFR 447.401-447.4340.	Sec. 1903(d)(2) of the Social Security Act; Federal Claims Collection Act.	NPRM 1st quarter FY 83.
Conditions of Approval and Reapproval and Procedures for Reduction of FFP.	Charles Booth, Director, Division of Methods and Systems Requirements, Room 2-A-1, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-5415.	This regulation establishes conditions for initial approval of MMIS and for subsequent reapproval. It also establishes procedures for reduction of FFP and MMIS in those States failing to meet initial or reapproval standards. It is intended to improve effectiveness of States' MMIS; to ensure efficient system operations; to better detect cases of fraud, waste and abuse effectively; and to reduce Medicaid program costs.	No	42 CFR 433.110-433.117, 433.119-433.124, 433.127, and 433.130-433.131.	Title IX of P.L. 96-398 and Secs. 1102, 1902(a)(4) and 1903(a)(3) of the Social Security Act.	NPRM 1st quarter FY 83.
Payment for Physician Services in Providers.	Leonard Peshkin, Program Analyst, Division of Medical SErvices Reimbursement, Room 1-G-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1115.	This regulation sets forth basic conditions for reasonable charge reimbursement; clarifies determinations of reasonable cost reimbursement for physician's services; and establishes more specific conditions for payment of certain physician specialties. It also establishes limits or compensation allowable under Medicare for physicians' services to providers and patients. It is intended to ensure that Medicare payments for services of physicians in institutional providers are determined accurately and are reasonable in amount.	No	42 CFR 405.480-405.488 and 405.550-405.556.	Sec. 1814(b), 1842(b), 1861(b), and 1861(v) of the Social Security Act; Sec. 108 of Tax Equity and Fiscal Responsibility Act.	NPRM 4th quarter FY 82; next action undetermined.
SNF Cost Limits (Effective 10/1/82).	Carl Slutter, Director, Division of Health Care Cost Containment, Room 190, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9344.	This regulation establishes a revised schedule of limits on Medicare payments for skilled nursing facility services. Revises methodology to allow a single limit for hospital-based and freestanding SNFs. It is intended to prevent payment for SNF costs that result from operating inefficienty.	No	N/A	Sec. 223 of P.L. 92-603	FN 4th quarter FY 82.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Priority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Private Room Subsidy.	William Goeller, Chief, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1802.	This regulation eliminates the Medicare private room subsidy by subtracting from a hospital's allowable cost, the differential costs for private rooms over semi-private rooms when the use of the private room was not medically necessary. It is intended as an FY 83 budget initiative.	No	42 CFR 405.452	Sec. 1861(v)(2) of the Social Security Act: Sec. 111 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82 Final 2nd quarter FY 83.
Withholding the Federal Share of Payments to Recover Medicare or Medicaid Overpayments.	Guy Harriman, Chief, Recovery Evaluation Branch, Room 1-B-2, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8193.	This regulation recovers overpayments to providers and physicians under Medicare and Medicaid by withholding the Federal share of payments to them. It is intended to improve financial management, promote efficiency and increase accountability for overpayments.	No	42 CFR 405.375, 447.30-447.31, and 447.301.	Sec. 1885 and Sec. 1914 of the Social Security Act.	NPRM 1st quarter FY 83.
Reductions in Medicaid Payments.	Charles Schreibeis, Director, Division of Budget, Room 368, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-597-1702.	This regulation controls the rising health care expenditures for the Medicaid program and encourages State activities in combating fraud and abuse. Reduces Medicaid expenditure payments by set percentages for fiscal years 1982, 1983 and 1984. Effectuates certain offsets of the expenditure reductions. Establishes a policy to contain costs and soften the fiscal repercussions on the States. Increases States anti-fraud and abuse measures. It is intended to contain and reduce program costs; improve program efficiency; and promote more effective management.	No	42 CFR 433.201-433.217, and 45 CFR 201.5.	Sec. 1903 (s) and (t) of the Social Security Act.	Final 4th quarter FY 82.
Interest Assessment on Overpayments and Underpayments—Medicare.	Guy Harriman, Chief, Recovery Evaluation Branch, Room 1-F-2, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8193.	This regulation assesses interest on overpayments (which are not in litigation) and determines interest on underpayments made to suppliers of services or providers. It is intended to have HCFA confrom to Federal Claims Collection Act (FCCA) and existing Departmental regulations. To improve efficiency and promote better management.	No	42 CFR 405.301, 405.376, and 405.419.	Federal Claims Collection Act, Sec. 117 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82; next action undetermined.
Pre-Admission Diagnostic Services: Different Hospital, Physician's Office.	Sheila Ryan, Director, Division of Medical Services, Coverage Policy, Room 489, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8561.	This regulation provides full coverage under Medicare for diagnostic testing in the outpatient department of another hospital or in a physician's office within 7 days prior to the patient's admission as an inpatient. It is intended to provide incentives for delivering services in lower cost-settings.	No	42 CFR 405.240	Sec. 932 and 934 of P.L. 96-499.	NPRM 1st quarter FY 83.
HHA Bonding and Escrow.	William Goeller, Chief, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1803.	This regulation sets forth requirements (including the establishment of bonding or escrow accounts) that home health agencies must meet to minimize the financial risk to the Medicare program that could arise from overpayments to agencies. It is intended to assure that home health agencies are financially viable enough to participate in the Medicare program.	No	42 CFR 405.402, 405.419, 405.429, 405.1201-405.1202, and 405.1231.	Sec. 930 of P.L. 96-499	NPRM 1st quarter FY 83.
Differential Reimbursement.	William Goeller, Chief, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1803.	This regulation authorizes reimbursement at the State Medicaid SNF and ICF rate where the patient requires a lower level of care, but is inappropriately placed in a hospital. It is intended to refine institutional policies to assure the most efficient delivery of needed health care.	No	42 CFR 405.160, 405.162, 405.402, 405.437, 405.452, 405.1627, and 405.1629.	Sec. 902 of P.L. 96-499, and Sec. 2102 P.L. 97-35.	NPRM 4th quarter FY 82; Final 1st quarter FY 83.
Three-Year Limit on Hospital Revenue Rate of Increase and Exception Provisions.	Marilyn Koch, Chief, Health Facilities Cost Containment Branch, Room 194, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9235.	This regulation establishes a target rate reimbursement system applicable to a hospital's first three cost reporting periods beginning on or after October 1, 1982. It will also provide for appropriate exemptions, exceptions, and adjustments from the limits in cases where events beyond the hospital's control or extraordinary circumstances, distort the hospital's increase in costs.	No	N/A	Sec. 101 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82 Final 2nd quarter FY 83.
Nursing Salary Cost Differential.	William Goeller, Chief, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1803.	This regulation reduces the Medicare inpatient routine nursing salary cost differential for hospitals. Eliminates the nursing differential for SNFs. It is intended to eliminate payment for costs that are not supported by current utilization patterns.	No	42 CFR 405.430	Sec. 1861(v)(1) of the Social Security Act as amended by Sec. 103 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82; next action undertermined.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Priority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Limit Physician Outpatient Reimbursement.	Leonard Nowacki, Program Analyst, Division of Medical Services Reimbursement, Room 1-G-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-2871.	This regulation establishes reasonable charge limits for routine physician services provided in hospital outpatient settings. It is intended to reduce program costs and implement a statutory requirement..	No	42 CFR 405.502	Sec. 2142 of P.L. 97-35; Sec. 104 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82; next action undertermined.
Services Covered Under Automobile, Liability, or Employer Group Health Insurance.	Herbert Pollock, Chief, Medicare Eligibility Policy, Room 474, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-4978.	This regulation provides that Medicare would be secondary payor for the first 12 months for the health care received by ESRD beneficiaries who are under age 65 and who are covered by an employer group health insurance plan. Provides that Medicare be the secondary payor for services covered under an automobile or liability insurance policy or plan (including a self-insured plan) or under no-fault insurance. It is intended to reduce unnecessary reimbursement and promote program efficiency.	No	42 CFR 405.322-405.329.	Sec. 953 of P.L. 96-499 and Sec. 2146 of P.L. 97-35.	Final 1st quarter FY 83.
Home and Community Services.	Robet Wren, Director, Division of Provider Services, Room 405, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9820.	This regulation allows States to reduce Medicaid expenses for institutional care and gives the beneficiary an opportunity to receive necessary services at home. Clarifies the deeming of income methodology to prevent unnecesary institutionalization to qualify for benefits. It is intended to revise regulations to provide maximum flexibility to the States and make them less burdensome.	No	42 CFR 435.3, 435.232, 435.341, 435.833, and 441.302-441.304.	Sec. 2176 of P.L. 97-35	Final 1st quarter FY 83.
Assistants at Surgery	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation prohibits reasonable charge reimbursement for an assistant at surgery in hospitals where an approved training program exists in the specialty, except under certain exceptional circumstances.	No	N/A	Sec. 113 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82 Final 2nd quarter FY 83.
Lien Provisions	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation allows States to impose liens on real property, including the home, of institutionalized Medicaid beneficiaries who the State determines, after notice and opportunity for a hearing, are reasonably likely to remain in a nursing home for the remainder of their lives. It also specifies conditions under which the State could not execute a lien.	No	N/A	Sec. 132 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82; next action undermined.
Comprehensive Outpatient Rehabilitation Facilities Services.	Sheila Ryan, Director, Division of Medical Services Coverage Policy, Room 489, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8561.	This regulation recognizes comprehensive outpatient rehabilitation facilities as Medicare "providers" for purposes of reimbursement. It is intended to provide a source of comprehensive rehabilitation services.	No	42 CFR 405.230, 405.243, 405.250, 405.260-405.263, 405.401, 405.431, 405.455 and Part 488.	Sec. 933 of Pub. L. 96-499	Final 1st quarter fiscal year 1983.
Conditions of Participation for Hospitals.	Margaret Van Amringe, Director, Division of Hospital Services, 2nd Floor, Dogwood East Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9714.	This regulation simplifies requirements which hospitals must meet to be certified to participate in Medicare and Medicaid. It is intended to reduce Federal requirements, simplify and clarify regulations, and provide maximum flexibility in hospital administration while strengthening patient health and safety.	No	42 CFR 482.1-482.64	Sec. 1861(e) of the Social Security Act.	Proposed 1st quarter fiscal year 1983. This regulation is a review item of the Presidential Task Force on Regulatory Relief.
HHA Cost Limits (Effective 10/1/83).	Carl Slutter, Director, Division of Health Care Cost Containment, Room 190, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9344.	This regulation would set forth an updated schedule of limits on HHA costs, established by type of service on reimbursable costs per visit that may be reimbursed for cost reporting periods beginning 10/1/83. It is intended to reduce unnecessary reimbursement and promote efficiency.	No	N/A	Sec. 223 of Pub. L. 92-603	Next action undetermined.
SNF Cost Limits (Effective 10/1/83).	Carl Slutter, Director, Division of Health Care Cost Containment, Room 190, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9344.	This regulation would set limits on SNF costs for cost reporting periods beginning 10/1/83. It is intended to reduce unnecessary reimbursement and promote efficiency.	No	N/A	Sec. 223 of Pub. L. 92-603	Next action undetermined.
Update of Total Hospital Cost Limits (Effective 10/1/83).	Carl Slutter, Director, Division of Health Care Cost Containment, Room 190, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9344.	This regulation would set forth a schedule of limits on hospital inpatient general routine operating costs that may be reimbursed for cost reporting periods beginning 10/01/83. It is intended to reduce unnecessary reimbursement and promote efficiency.	No	N/A	Sec. 223 of Pub. L. 92-603	Next action undetermined.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Priority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Total Hospital Costs Limits.	Marilyn Koch, Chief, Health Facilities Cost Containment Branch, Room 194, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9235.	This regulation establishes a total hospital cost limit which included routine operating as well as ancillary services operating costs. The limits will be applied on an average cost-per-case basis, and adjusted for case-mix. The rule also specifies appropriate exceptions or adjustments for psychiatric hospitals.	No	N/A	Sec. 101 of Tax Equity and Fiscal Responsibility Act.	FNC 4th quarter fiscal year 1982 Final 2nd quarter fiscal year 1983.
Hill-Burton Charity Care Costs.	Paul Trimble, Chief, Provider Accounting Policy Branch, Room 1-A-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8640.	This regulation clarifies Medicare policy regarding reimbursement for services provided as free care under a Hill-Burton obligation.	No	42 CFR 405.420.	Sec. 1861(v)(1) of the Social Security Act; Sec. 106 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter fiscal year 1982; next action undetermined.
Hospice Care.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation authorizes coverage under Medicare Part A for hospice care for terminally ill beneficiaries with a life expectancy of 6 months or less. It is intended to provide a basic and coordinated range of services to hospices while giving hospices flexibility to provide, under arrangements, for some services.	No	N/A	Sec. 122 of Tax Equity and Fiscal Responsibility Act.	NPRM 2nd quarter fiscal year 1983.
Reduction in Error Rate Tolerance.	John Berry, Director, Bureau of Quality Control, Room 200, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-6410.	This regulation replaces existing rules and procedures for disallowing Federal Financial Participation (FFP) in erroneous Medicaid payments due to eligibility errors as detected through the Medicaid Quality Control (MQC) system. It establishes, with certain exceptions, a 3% target error rate for quarters beginning after March 30, 1983, and provides discretion in applying fiscal penalties.	No	N/A	Sec. 133 of Tax Equaity and Fiscal Responsibility Act.	FC 2nd quarter FY 83.
Working Aged	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation requires employers to offer their employees age 65 through 69 and their dependents the same health benefits as are offered to their younger employees. The provision makes Medicare the secondary payor for such employees. This provision amends the Federal Age Discrimination in Employment Act (ADEA).	No	N/A	Sec. 116 of Tax Equity and Fiscal Responsibility Act.	FC 1st quarter FY 83.
Prohibition of Recognition Payments Under Certain Percentage Arrangements.	Bill Goeller, Chief, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1802.	This regulation provides that no cost which a provider incurs under a contract would be considered "reasonable" if determined as a percentage (or other proportion) of the provider's charges, revenues, or claim for reimbursement, except in certain cases. It is intended to preclude Medicare reimbursement for services when payment is not related to the value of those services.	No	N/A	Sec. 109 of Tax Equity and Fiscal Responsibility Act.	FC 3rd quarter FY 83.
Amending and Reopening of Cost Reports.	Stanley Katz, Director, Division of Technical Policy and Litigation, 2nd Floor, Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9595.	This regulation specifies the rights of providers, intermediaries and HCFA in situations where providers who used to amend or reopen reports for retroactive costs. It is intended to alleviate problems which arise where disallowed cost in one area can currently be reallocated by amending costs reports, and where identification of potential errors might be precluded in facility rules.	No	N/A	N/A	Proposed 2nd quarter FY 83.
Recognition of State Hospital Cost Control System.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation permits payment to hospitals under a State applied alternative reimbursement system if that system meets certain statutory requirements. The rule also specifies other criteria necessary for approval.	No	N/A	Sec. 101 of Tax Equity and Fiscal Responsibility Act.	FC 3rd quarter FY 83.
Utilization and Quality Control Peer Review.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation establishes conditions under which peer review organizations will be determined eligible to enter into performance contracts for utilization and quality control peer review.	No	N/A	Sec. 141-150 of Tax Equity and Fiscal Responsibility Act.	NPRM 4th quarter FY 83.
Prospective Reimbursement for ESRD Dialysis Services.	Bernadette Schumacher, Chief, ARSB, BPP, Room 1-B-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1049.	This regulation establishes an incentive-based prospective reimbursement for outpatient maintenance and self-care dialysis training furnished to Medicare beneficiaries.	Yes	42 CFR 405.231, 405.240, 405.251, 405.402, 405.438-405.441, 405.502, 405.541-405.542, 405.544 and 405.690-405.691.	Secs. 1861, 1862(a), 1871, 1874 and 1881 of the Social Security Act.	Final 1st quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Priority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Medicaid Cost Sharing—Definition of Nominal.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation defines "nominal" as it relates to Medicaid cost sharing amounts.	No	N/A	Sec. 131 of Tax Equity and Fiscal Responsibility Act.	NPRM 4th quarter FY 83 This regulation is a review item of Presidential Task Force on Regulatory Relief.
Survey and Certification Procedures.	Mark Bernsohn, Program Analyst, Fiscal and Administrative Branch, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-7940.	This regulation streamlines, simplifies and integrates survey and certification procedures for providers and suppliers under Medicare and Medicaid. Provides for the granting of "deemed status" to skilled nursing facilities, accredited by the JCAH. It is intended to accomplish effective monitoring with greater flexibility to States without loss of quality of health services.	No	42 CFR Parts 405, 431, 441, 442, 489, and 490.	Sec. 1814, 1861, 1865, 1866, 1871, 1902(a)(33)(B) and 1910(a) of the Social Security Act.	No action contemplated before 04/01/83 as a result of Congressional language. This regulation is a review item of the Presidental Task Force on Regulatory Relief.
Claims Processing Reviews Under MQC System.	Randolph Graydon, Program Analyst, Eligibility Review Branch, BQC, Room 239, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1380.	This regulation revises the requirements for conducting processing reviews under the States' use of the new Medicaid Quality Control. Changes the Medicaid quality control assessment period from semi-annual to an annual review period. It is intended to enhance HCFA's effectiveness in finding errors and increase the States' flexibility in its operations.	No	42 CFR 431.800	Sec. 201 of P.L. 96-123	Next action undetermined. This regulation is a review item of the Presidential Task Force on Regulatory Relief.

Nonpriority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Depreciation—Useful Life Guidelines.	Bernard Patashnik, Director, Division of Institutional Services, Reimbursement, Room 1-A-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1335.	This regulation clarifies current regulations regarding IRS useful life guidelines to insure the continued use of the "utility" concept in Medicare; and prohibits the use of investment incentive proposals which would accelerate depreciation. It is intended to prevent waste and inefficiency in the Medicare program.	No	42 CFR 405.415	Sec. 203 of P. L. 97-34	Final 3rd quarter FY 83.
Deeming of Income Between Spouses; Categorically Needy.	Marinos Svolos, Director, Division of Medicaid, Eligibility Policy, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation This regulation reinstates former Medicaid rules in 1902(f) States for determining the financial eligibility and the level of Medicaid payments for institutional care of aged, blind and disabled categorically-needy individuals when one spouse is institutionalized. It is intended to reinstate our former rule which was recently upheld in court.	No	42 CFR 435.121, 435.734 and 436.711.	Sec. 1902(f) of the Social Security Act.	Final 2nd quarter FY 83.
Medicaid Contracts With HMO's and PHP's.	Bernard Truffer, Chief, Health Organizations, Reimbursement Sect., Division of Alternative Reimbursement Systems, Room 1-A-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1369.	This regulation encourages the enrollment of Medicaid beneficiaries in HMO's by loosening qualification criteria, extending limits on percentage of Medicare/Medicaid enrollees, allowing States to establish minimum enrollment periods and to share in cost savings. It is intended to provide maximum flexibility to States. (Regulatory Reform).	No	42 CFR 431.501-431.504, 431.510-431.512, 431.520-431.537, 431.540-431.545, 431.547-431.550, 431.555-431.560, 431.565, 431.568-431.578, 431.580-431.589, 431.591-431.597, and Part 434.	Sec. 2178 of P. L. 97-35	NPRM 1st quarter FY 83.
Medicare Payments to HMO's.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation authorizes both prospective reimbursement under risk-sharing contracts and cost-based reimbursement under reasonable cost reimbursement contracts for Health Maintenance Organizations (HMOs) and other medical plans. This provision modifies current law requirements for contracting with HMOs.	No	N/A	Sec. 114 of Tax Equity and Fiscal Responsibility Act.	NPRM 4th quarter FY 83.
RHC Prospective Reimbursement.	Bernadette Schumaker Acting Director, Division of Alternative Reimbursement Systems, Room 1-B-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1049.	This regulation establishes a prospective payment method for services under Medicare and Medicaid. It is intended to provide incentives for more efficient delivery of rural health clinic services.	No	42 CFR 405.2401-405.2437, 405.2440-405.2441, and 447.371.	Sec. 1833(a)(3) of the Social Security Act.	Proposed 4th quarter FY 82.
Elimination of Three-day Hospital Requirement for SNF Services.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation specifies a reimbursement methodology designed to ensure that SNF coverage without the 3-day prior hospitalization does not lead to increased costs or alter the acute care nature of the benefit. It also specifies any limitations in the extent and scope of SNF services and categories of individuals eligible.	No	N/A	Sec. 123 of Tax Equity and Fiscal Responsibility Act.	NPRM 2nd quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Nonpriority—Continued

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Miscellaneous Medicare/Medicaid Amendments.	Stefan Miller, Branch Chief, Ambulatory Services Branch, HSQB, Room 2-K-3, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-597-5138. Raymond Johnson, Chief, Utilization Effectiveness Branch, Room 455, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9370.	This regulation makes it possible for proprietary HHAs to participate in Medicare; provides that a doctor of podiatric Medicare may be considered a physican for home health purposes; authorizes a speech pathologist to establish a plan of treatment for outpatient speech pathology services. Authorizes the Secretary to specify which edition of a fire safety code must be met by SNF's that participate in Medicare. It is intended to implement statutory requirements.	No	42 CFR 405.170, 405.250, 405.1022, 405.1134, 405.1220-405.1221, 405.1223, 405.1633-405.1634, 405.1717, 442.321-442.323, and 442.507-442.509.	Sec. 915, 944(a), 930(n), 951 and 930(c) of P.L. 96-499.	FN 4th quarter FY 82.
Access to Books and Records of Subcontractors.	Ron Galler, Program Analyst, Validation Planning Branch, Room 2-Q-3, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8833.	This regulation authorizes the Secretary to review providers' books and records to verify costs of contracts of $10,000 and over for a 12-month period. It is intended to strengthen HCFA's capacity to effectively detect fraud and abuse and to conform Medicare procedures with those of other Federal agencies that purchase services from the private sector.	No	42 CFR Part 420	Sec. 1861(v)(1) of the Social Security Act; Sec. 127 of Tax Equity and Fiscal Responsibility Act.	NPRM 4th quarter FY 82; Final 1st quarter FY 83.
Timely Claims Payment—Medicaid.	Newton Dikoff, Director, Division of Standards, BPO, Room 1-B-4, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8190.	This regulation improves timeliness of Medicaid claims. It is intended to improve State program management and increase provider participation in Medicaid.	No	42 CFR 447.45	Sec. 2(b) of P.L. 95-142	NPRM 4th quarter FY 83.
Reimbursement for Laboratory Services.	Paul Riesel, Chief, Physican and Practitioner, Reimbursement Branch, Room 1-A-4, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1843.	This regulation requires Medicare carriers to use independent laboratories' charges to physicans in determining the customary charges of independent laboratories. It is intended to more accurately reflect the customary charges of independent laboratories.	No	42 CFR 405.503	Sec. 1833(h) and 1842 of the Social Security Act.	NPRM 1st quarter FY 83.
Summary of Provisions of Tax Equity and Fiscal Responsibility Act.	Larry Oday, Director, Bureau of Program Pollicy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207.	This notice contains various regulatory changes to Medicare and Medicaid programs to conform with certain requirements to the Tax Equity and Fiscal Responsibility Act of 1982.	No	N/A	Tax Equity and Fiscal Responsibility Act.	GN 4th quarter FY 82.
Payment for LTC and Inpatient Hospital Services.	Tom Jazwiecki, Chief, Long-Term Care Section, Room 1-A-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8062.	This regulation makes minor changes and clarifications to the procedural requirements for States to obtain approval of their inpartient reimbursement rates. It is intented to respond to public comments to the regulations published on September 30, 1981 and operational exprerience gained implementing those regulations.	No	42 CFR 447.250, 447.252-447.256, 447.258, 447.260, 447.265, 447.271-447.272, and 447.280.	Sec. 962 of P.L. 96-499; Sec. 2173 of P.L. 97-35.	Final 2nd quarter FY 83.
Freedom of Choice	Stanley Katz, Director, Division of Technical Policy and Litigation, 2nd Floor, Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9595.	This regulation makes changes to the regulations published on October 1, 1981, regarding a Medicaid beneficiary's option to choose among participating providers. It is intended to respond to public comments and clarify and revise some requirements in the prior rule.	No	42 CFR 431.51, and 431.54-432.55.	Sec. 2175 of P.L. 77-35	Final 2nd quarter FY 83.
Warranty Requirement For used DME.	Ronald Wren, Program Analyst, Division of Medical Services Reimbursement, Room 1-G-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-7107.	This regulation would impose a less stringent warranty requirement for used durable medical equipment sold by suppliers. It is intended to reduce program costs by encouraging the use of used equipment when appropriate.	No	42 CFR 405.514	Sec. 1833(f) of the Social Security Act.	NPRM 2nd quarter FY 83.
Suspension of Health Care Professionals, for Program-Related, Crimes.	James F. Patton, Director, Division of Validation, Planning and Support, Office of Program Validation, BQC, Room 239, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8000.	This regulation expanded current provisions that suspend physicians and practitioners convicted of crimes from participation in Medicare and Medicaid to include other categories of health providers. Establishes State plan requirements for State agencies to exclude providers who defraud or abuse the Medicaid program from Federal participation. It is intended to clarify HCFA's authorization to bar certain health care professionals from participation in Medicare and Medicaid and authorize States to pursue administrative remedies in cases of fraud and abuse.	No	42 CFR Parts 420, 455, and 489.	Sec. 1128, 1862(e), 1902(a)(39), and 2003(d)(1) of the Social Security Act.	FC 1st quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Nonpriority—Continued

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Conditions of Coverage of Suppliers: ESRD (Self-Dialysis Training).	Margaret Van Amringe, Director, Division of Hospital Services, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9712.	This regulation revises the conditions which ESRD facilities must meet to be approved as suppliers of end-stage renal disease services and self-dialysis training. It is intended to recognize recent developments in medical practice and encourages competition.	No	42 CFR 405.2102, 405.2123-405.2124, 405.2130, 405.2132, 405.2134, 405.2136, 405.2139-405.2140, and 405.2163.	Sec. 1881(c)(6) of the Social Security Act.	Final 2nd quarter FY 83.
Reduction of Number of Providers Dealing Directly with HCFA.	Norman Fairhurst, Chief, Contractor Implementation Branch, Room 3-F-1, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-9498.	This regulation reduces the number of providers dealing with HCFA. It is intended to promote efficiency and reduce program costs.	No	42 CFR 421.1, and 421.103-421.106.	Sec. 1815 and 1874 of the Social Security Act.	Next action undetermined; pending court decision.
HCFA own Motion Review Procedures.	Stanley Katz, Director, Division of Technical Policy and Litigation, 2nd Floor Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9595.	This regulation provides procedures for Administrator's review; remands to the Board by the Administrator; review of the Board's decisions about its jurisdiction; timing of judicial review after Administrator declines review. It is intended to clarify procedures for HCFA review of PRRB decisions and to finalize Interim Procedures published on 9/6/77.	No	42 CFR 405.1800	Sec. 1878(f)(1) of the Social Security Act.	Final 2nd quarter FY 83.
Medicaid Eligibility	Marinos Svolos, Director, Division of Medicaid Eligibility, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation makes clarifying changes to the regulations published September 30, 1981, concerning Medicaid eligibility for the medically needy. It is intended to make clarifying changes and to respond to comments received to an interim rule.	No	42 CFR Parts 435 and 436.	Sec. 2171 and 2172 of P.L. 97-35.	Final 2nd quarter FY 83.
Conditions of Participation for Home Health Agencies—Home Health Aides.	Stefan Miller, Chief, Ambulatory Services Branch, 2nd Floor, Dogwood East Bldg., 1894 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9741.	This regulation sets forth requirements for a formal training program for home health aides. It is intended to assure that home health agency services are of appropriate quality.	No	42 CFR 405.236, 405.1031, 405.1101, 405.1202, 405.1227, 405-1702 and 405.1731.	Sec. 930(1) of P.L. 96-499	NPRM 2nd quarter FY 83.
Alternatives to Decertification of LTC Facilities.	Samuel Kidder, JD, MAS, Program Analyst, Compliance and Enforcement Branch, 2nd Floor, Dogwood East Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-1815.	This regulation permits intermediate sanctions short of decertification for long term care facilities (Skilled Nursing Facilities and Intermediate Care Facilities) that are out of compliance with the conditions of participation. Authorizes HCFA to "look behind" State agency surveys on compliance where the adequacy of the State's determination is questionable. It is intended to decertify facilities for noncompliance where health and safety are jeopardized.	No	42 CFR 442.1-442.2, 442.117-442.118, 489.1-489.3, and 489.53.	Sec. 916(a) of 95-499,Sec. 1866(f) and Sec. 1902(i) of the Social Security Act.	NPRM 2nd quarter FY 83.
PSRO Technical Amendments.	Pat Booth, Public Health Analyst, Office of Policy Development and Coordination, 1st Floor, Dogwood East Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-1832.	This regulation explains what the State plan amendments must contain for the States to obtain 75% FFP and have utilization control waived. It also clarifies PRSO delegation policy and how it can be withdrawn.	No	42 CFR Parts 431, 456, 462-463, and 466.	Sec. 1902(d) and 1155(e) of the Social Security Act.	Next action undetermined.
Revisions to Criteria and Standards for Evaluating Intermediaries.	Newton Dikoff, Director, Division of Standards, Room 1-B-4, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8190.	This regulation improves our system for evaluating the performance of fiscal intermediaries in administering the Medicare program. A minor revision will allow for more detailed analyses and approaches for evaluating veriables, beyond the control of the intermediaries. It is intended to increase program efficiency and reduce program costs.	No	42 CFR 421.100, 421.120, and 421.122.	Sec. 14 of P.L. 95-142; Sec. 1816 (b) and (f) of the Social Security Act.	FC 2nd quarter FY 83.
Medicaid Eligibility Determination and Information Retrieval System (MEDIRS) Requirements.	William Hogsten, Director, Office of Methods and Systems, Room G-C-7, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-9545.	This regulation assists States in developing automated eligibility determination systems. It is intended to improve program management efficiency.	No	NA	Sec. 1903(a)(3) of the Social Security Act.	PN 2nd quarter FY 83.
Permissible Charges to Patients' Funds.	David Chambers, Program Analyst, Division of Long-Term Care, Room 2-F-3, Dogwood East Bl., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-7653.	This regulation describes those items which a facility may charge to patient funds. It is intended to assure that patients are not charged for services reimbursable by Medicare or Medicaid.	No	42 CFR 405.1121	Sec. 21(b) of P.L. 95-142, Sec. 8(c) of P.L. 95-292, Sec. 1861, and 1905(c) of the Social Security Act.	NPRM 2nd quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Nonpriority—Continued

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Third Party Liability (TPL) and Premium FFP Rates.	William Hickman, Director, Division of Operations, BPO, Room 367, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-9101.	This regulation provides States with flexibility in establishing their programs so as to maximize operational efficiency and promote cost-avoidance procedures. It is intended to promote program management efficiency and reduce program costs by increasing TPL recoveries.	No	42 CFR 432.2, 432.50, 432.60, 433.15, 433.38, 433.136, 433.139, 433.149, and 433.151-433.152.	Sec. 1902(a)(25), Sec. 1903(d)(2) of the Social Security Act.	NPRM 2nd quarter FY 83.
Collection and Compromise of Claims.	Tom Czerwinski, Director, Office of Management Services, Room 217, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-3068.	This regulation addresses the collection and compromise of all debts related to HCFA's mission. Tailors the government-wide claims collection standards (at 4 CFR Parts 101-105) to HCFA's operating needs. Allows the Administrator to exercise the full range of authority delegated by the Secretary.	No	42 CFR 401.601-401.640.	Federal Claims Collection Act.	NPRM 2nd quarter FY 83.
Beneficiary Not at Fault.	Jack Wasserman, Chief, Technical Policy Branch, 2nd Floor, Dogwood West Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9300.	This regulation permits payment for inpatient services provided to a beneficiary when payment would be denied solely because he or she is erroneously placed in a part of a participating hospital or SNF that is inappropriate to furnish the qualifying level of care. It is intended to implement a legislative requirement and permit payment for certain services when the beneficiary is not at fault.	No	42 CFR 405.333	Sec. 456 of P.L. 96-499	Final 3rd quarter FY 83.
Penalty for Failure To Make a Satisfactory Showing of an Effective Institutional Utilization Control Program.	Helene Fredeking, Chief, Eligibility Review Branch, Room 2-M-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1380.	Requires the updating and periodical evaluation of the plans of care for all institutionalized patients, regardless of specific level of care, to be performed once every 90 days. It is intended to establish consistency in the review and updating of plans of care by physicians in a particular facility.	No	42 CFR 456.650-456.657.	Sec. 1903(g) of the Social Security Act.	NPRM 3rd quarter FY 83.
Temporary Delay in Periodic Interim Payments.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation modifies existing periodic interim payment procedures for hospitals by delaying the flow of PIP payments for three weeks in September 1983 and September 1984.	No	N/A	Sec. 120 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 83.
Medicaid Management Systems Performance Standards.	Newton Dikoff, Director, Division of Standards and Performance, Room 1-B-4, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8190.	This regulation defines standards States would be required to meet to retain 75 percent increased funding of operational systems. It is intended to improve program efficiency.	No	N/A	Sec. 1903(r) of the Social Security Act.	FN 3rd quarter FY 83.
Disputed Medicaid Claims.	Gilda Martin, Program Analyst, Special Claims Branch, Room 350, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-597-1399.	This regulation requires the payment of interest on disputed Medicaid upon a final determination of allowability. It is intended to expedite the processing of State appeals from notices of disallowances, and to provide equity to States which win their appeals.	No	42 CFR 433.38	Sec. 961(a) of P.L. 96-499 and Sec. 2163 of P.L. 97-35.	Final 3rd quarter FY 83.
Coverage of Optometrists' Services.	James Hannon, Chief, Physician and Other Medical Services Branch, Room 463, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9514.	This regulation provides coverage for previously uncovered services furnished by optometrists. It is intended to assure access to care and proper use of program funds.	No	42 CFR 405.232	Sec. 937 of P.L. 96-499	Final 3rd quarter FY 83.
Criteria and Standards for Evaluating Carriers.	Newton Dikoff, Director, Division of Standards, Room 1-B-4, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8190.	This regulation changes the method by which criteria are promulgated by publication as administrative issuances rather than publication in the *Federal Register*. It is intended to improve program evaluation effectiveness, increase efficiency in program administration and reduce program costs.	No	42 CFR 421.200-421.205.	Sec. 1842 (b)(2) and (b)(4) of the Social Security Act (Sec. 14).	NPRM 4th quarter FY 83.
Adjustment in Cost Limits for FICA Reductions.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation provides for an adjustment on the cost limits for hospitals that withdraw from the OASDHI program after August 15, 1982.	No	N/A	Sec. 101 of Tax Equity and Fiscal Responsibility Act.	FC 2nd quarter FY 83.
MMIS Requirements	Charles Booth, Director, Division of Method and Systems Requirements, Room 2-A-1, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-5415.	This notice is to decide if these requirements be mandated or optional: diagnostic coding; procedure coding for physician services; uniform billing for hospital services; standard electronic media billing formats and conventions for hospital bills; and uniform billing for physician services. It is intended to reduce the administrative burden on providers and promote program efficiency.	No	N/A	Sec. 1903(a)(3) of the Social Security Act.	PN 2nd quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Nonpriority—Continued

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Teaching Physicians	Leonard Peshkin, Program Analyst, Division of Medical Services Reimbursement, Room 1-G-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1115.	This regulation specifies conditions that physicians in teaching hospitals must meet to qualify for charge payments. Specifies the type of charge that Medicare carriers will take into account in determining the prevailing charges for physician services in teaching hospitals. It is intended to clarify and refine physician charge reimbursement policy.	No	42 CFR 405.520-405.521 and 405.560-405.575.	Sec. 948 of P.L. 96-499	Next action undetermined.
Transfer of Resources.	Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation imposes a new eligibility requirement on applicants for Medicaid who dispose of assets for less than fair market value for purposes of qualifying for Medicaid. It is intended to assure that available resources are considered properly in determining Medicaid eligibility.	No	42 CFR 435.605	Sec. 5 of P.L. 96-611	NPRM 3rd quarter FY 83.
Mental Retardation—Definition of "Persons With Related Conditions".	Robert Wren, Director, Division of Provider Services Coverage Policy, Room 405, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9820.	This regulation would amend Medicaid regulations on intermediate care facility services for the mentally retarded persons with related conditions by revising the current definition of "persons with related conditions". This definition is presently tied to the definition of developmental disability in the Developrnental Disabilities Assistance and Bill of Rights Act (DDABRA). Thus, Medicaid's definition changes each time the statutory definition of developmental disability is amended. This regulation establishes a Medicaid definition of conditions related to mental retardation that would meet the specific needs of the Medicaid program and would be independent of the definition of developmental disability in the DDABRA.	No	42 CFR 435.1009	Sec. 1102 and 1905 of the Social Security Act.	NPRM 2nd quarter FY 83.
Inpatient Hospital Deductible (1983).	Sol Mussey, Supervisory Actuary Office of Financial and Actuarial Analysis, Room 1-C-11, Oak Meadows Bldg., 6340 Security Blvd., Baltimore, MD 21207, 301-594-1024.	This notice provides for cost sharing amounts payable by the beneficiary. It will inform the public of the revised rates.	No	N/A	Sec. 1813(b)(2) of the Social Security Act.	FN 4th quarter FY 82.
Part A Premium for Uninsured Aged for 12-Month Period Beginning 1/1/83.	Guy King, Director, Office of Financial and Actuaries Analysis, Room 1-C-11, Oak Meadows Bldg., 6340 Security Blvd., Baltimore, MD 21207, 301-594-2862.	This notice provides for participation by persons not otherwise eligible for Part A benefits. It will inform the public of the revised rates.	No	N/A	Sec. 1818(d) of the Social Security Act.	Notice 1st quarter FY 83.
Elimination of Lesser-of-Cost-or-Charges Provision.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation specifies that the lesser of cost or charges provision would not apply to services provided by certain providers if elimination will not increase Medicare payments made for the services.	No	42 CFR 405.455	Sec. 110 of Tax Equity and Fiscal Responsibility Act.	FC 3rd quarter FY 83.
Ambulance Services	Sheila Ryan, Director, Division of Medical Services Coverage Policy, Room 489, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8561.	This regulation will permit coverage of round trip transportation of hospital and SNF patients to the nearest treatment facility capable of providing the required diagnostic or therapeutic services. It also provides that the determination of whether a hospital has appropriate facilities must include a determination of the availability of a physician or physician specialist capable of providing the needed care or treatment.	No	42 CFR 405.230	Sec. 1861(s)(7) of the Social Security Act.	FC 1st quarter FY 83.
Miscellaneous Amendments.	Stefan Miller, Branch Chief, Ambulatory Services Branch, HSQB, Room 2-K-3, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-597-5132.	This regulation will make it possible for proprietary home health agencies to participate in Medicare; will provide that a doctor of podiatric medicine may be considered a physician for the purposes of home health services; will authorize a speech pathologist to establish a plan of treatment for outpatient services; and will authorize the Secretary to specify which edition of a fire safety code must be met by SNF's that participate in Medicare.	No	42 CFR 405.170, 405.250, 405.1022, 405.1134, 405.1220-405.1221, 405.1223, 405.1633-405.1634, 405.1717, 442.321-442.323, and 442.507-442.509.	Sec. 915, 944(a) 930(n), 951 and 930(e) of P.L. 96-499.	FC 1st quarter FY 83.
Withholding Payments to Practitioners, Providers and Suppliers of Services.	James Patton, Director, Division of Validation, Planning and Support, OPV, BQC, Room 239, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8000.	This regulation will clarify due process procedures that must be followed when payments to practitioners, providers and suppliers of services under the Medicare program are withheld because of suspected fraud or willful misrepresentation. It will clarify existing procedures by providing timely notice and administrative review.	No	42 CFR 405.371 and 420.300-420.307.	Secs. 1102, 1871 of the Social Security Act.	Final 2nd quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Nonpriority—Continued

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Prepaid Plans—HCPP's.	Mendel Kaufman, Bureau of Program Policy, Room 469, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-6719.	This regulation will establish reimbursement rules for health care prepayment plans (HCPP's) which furnish services under Part B of Medicare on a reasonable cost basis. It will simplify reimbursement policy and assure similar treatment of prepayment organizations under Medicare.	No	42 CFR 405.241, 405.692, 405.2042, and 405.2093-405.2098.	Sec. 1833(a) of the Social Security Act.	Final 2nd quarter FY 83.
Review and Recomputation of Periodic Interim Payments to Providers of Services.	Bernard Patashnik, Director, Division of Institutional Services Reimbursement, Room 1-A-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1335.	This regulation would reduce the frequency (from quarterly to semiannually) of mandatory review and recomputation by fiscal intermediaries of periodic interim payments to providers of health care services. It would reduce costs and reporting burden for both intermediaries and providers.	No	42 CFR 405.454	Sec. 1815(a) of the Social Security Act.	PC 1st quarter FY 83.
Hospital Insurance Entitlement and Benefits.	Luisa Iglesias, Bureau of Program Policy, Room 357G, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201, 202-755-1290.	This regulation reorganizes and rewrites Medicare Part A eligibility entitlement and benefit provisions, and incorporates applicable 1980 and 1981 statutory amendments.	No	42 CFR 400, 405.101-405.120, 405.122-405.128, 405.130-405.133, 405.151, 405.161, 405.180-405.181, 408 and 409.	Sec. 1871 of the Social Security Act; Secs. 930, 941, 950 of P.L. 96-499; Secs. 103 and 104 of P.L. 96-265; Sec. 2 of P.L. 96-473; and Secs. 2122, 2131, 2132 and 2151 of P.L. 97-35.	Final 2nd quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION EXISTING REGULATIONS UNDER REVIEW

Priority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Spenddown	Marinos Svolos, Director, Division of Medicaid Eligibility, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation provides greater flexibility to States in deducting incurred medical expenses from income in determining Medicaid eligibility. It is intended to provide greater flexibility to States.	No	42 CFR 435.732, 435.831, 436.732, and 436.831.	Sec. 1902(a)(17) and 1902(f) of the Social Security Act.	NPRM 2nd quarter FY 83; This regulation is a review item of Presidential Task Force on Regulatory Relief.

Nonpriority

ESRD Conditions of Participation.	Margaret VanAmringe, Director, Division of Hospital Services, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9712.	This regulation simplifies requirements which suppliers of ESRD services must meet to participate in the Medicare and Medicaid programs. It is intended to reduce Federal requirements, and provide maximum flexibility while assuring patient access to quality care.	No	42 CFR 405.2100-2171.	Sec. 1881(b)(9) of the Social Security Act.	NPRM undetermined.
Medicaid Contracting	Leonard Monfred, Deputy Director, Office of Procurement, BPO, Room 334, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-9420.	This regulation improves Medicaid contract administration without the authority to prior-approve contracts or expenditure contracts. It improves Federal requirements for Medicaid contracting. It is intended to reduce administrative burden on State contracting operations and promote management efficiency.	No	42 CFR 431.593 and 42 CFR 431, Subpart L, Secs. 501-512.	Sec. 1902(a)(4) and Sec. 1904 of the Social Security Act.	NPRM 3rd quarter, FY 83.
Relations With Other Agencies (Medicaid).	William Hickman, Director, Division of Operations, Room 367, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-9101.	This regulation allows a State the option to pay the cost-sharing on non-Medicaid covered services provided to persons dually eligible under Titles XVIII and XIX. It is intended to allow a State the option to reduce its costs burden in paying for services (for dually entitled persons not covered in its plan).	No	42 CFR 431.625	Sec. 1843(a), 1902(a)-(10)(c) of the Social Security Act.	NPRM, 2nd quarter, FY 83.
FFP for Public Institutions.	Marinos Svolos, Director, Division of Medicaid Eligibility, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation would preclude the availability of Federal matching funds in expenditures for all services to an individual aged 22 to 64 who is a patient in an institution for mental diseases or tuberculosis, from the date of admission to the date of discharge.	No	42 CFR 435.1008, and 436.1004.	Sec. 1905(a) of the Social Security Act.	NPRM, 2nd quarter, FY 83.
Miscellaneous Medicaid Definitions.	Thomas Hoyer, Chief, Institutional Services Branch, Room 411, East High Rise Bldg., 6325 Security Blvd. Baltimore, MD 21207, 301-594-9446.	This regulation This regulation revises several definitions and clarifies ambiguities in existing Medicaid regulations. It is intended that these changes are a part of the Department's regulatory reform effort to clarify those regulations that are ambiguous or that have been identified as problematic.	No	42 CFR 435.1009, 440.2, 440.10, 440.20, 440.80, 440.160, 441.151, and 447.40.	Sec. 1905(a) and 1905(h) of the Social Security Act.	NPRM, 2nd quarter, FY 83.

HEALTH CARE FINANCING ADMINISTRATION EXISTING REGULATIONS UNDER REVIEW—Continued

Nonpriority—Continued

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/ final
Institutionalization Provisions.	Marinos Svolos, Director, Division of Medicaid, Eligibility, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation alleviates problems encountered by States in calculating patient income to be applied to the cost of care in institutions. Extends Medicaid eligibility to certain individuals in medical institutions. It is intended to permit States greater flexibility in administering their programs (Regulatory Reform).	No	42 CFR 435.722, 435.725, 435.733, 435.832, and 436.832.	Sec. 1902(a) and 1903(f) of the Social Security Act.	NPRM, 2nd quarter, FY 83.
Personal Care Services.	Albert Post, Chief, Non-institutional Services Branch, Room 429, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9824.	This regulation eliminates personal care services as an optional benefit under Medicaid. The availability of section 2176 home and community based services waiver to individual States replaces the necessity for the broad-based personal care option under the regular Medicaid program.	No	42 CFR 440.170	Sec. 1905(a)(13) of the Social Security Act.	Next action undetermined.
Rehabilitation Services.	Robert Streimer, Director, Office of Coverage Policy, Room 401, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9690.	This regulation would amend the Medicaid regulations on rehabilitative services to clarify the definition of rehabilitative services, specify the conditions under which Federal matching funds would be available for these services and stipulate minimum requirements for the professional who provide these services. This would clarify Federal policy, assure more uniform coverage of rehabilitative services, improve the quality of medical care and services provided to Medicaid recipients, and ensure that Federal and State funds are expanded in an effective and economical manner.	No	42 CFR 440.130	Sec. 1905(a)(13) of the Social Security Act.	Next action undetermined.
Lowest Charge Level for Medical Services Supplies, Equipment.	Paul Riesel, Chief, Physician and Practitioner Reimbursement Branch, Room 1-A-4, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD. 21207, 301-594-9690.	This notice would revise and update the list of laboratory services and items of durable medical equipment subject to the lowest charge level criteria. These are items and services that are widely and consistently available and that do not generally vary significantly in quality from one supplier to another.	No	N/A	Sec. 1842(b)(3) of the Security Act.	Next action undetermined.

COMPLETED ACTIONS

Title	Contact	Citation	Reason for completion
PRRB, Expedited Judicial Review	Stanley Katz, (301) 594-9595.	42 CFR Part 405	Final Rule published 07/22/82.
Ambulatory Surgical Centers	Bernard Truffer, (301) 597-1369.	42 CFR Parts 405 and 416	Final Rule published 08/05/82.
Requirements Applicable to Sterilization	Raymond Johnson, (301) 594-9370.	42 CFR Parts 50 and 44, 95 CFR Part 96.	Final Rule published 08/04/82.
State Residency for Institutionalized Individuals	Marinos Svolos, (301) 594-9050.	42 CFR Parts 435 and 436	Final Rule with Comment Period published 06/23/82.
Swing Beds	William Goeller, (301) 597-1802.	42 CFR Parts 405, 435, 440, 442 and 447.	Final Rule with Comment Period published 07/20/82.
Nurse-Midwives	Shelia Ryan, (301) 594-8561	42 CFR Parts 405, 435, 436, 440, 441 and 447.	Final Rule with Comment Period published 05/17/82.
Adoption Assistance	Marinos Svolos, (301) 594-9052.	42 CFR Parts 431, 435 and 436	Final Rule published 07/01/82.
Certification of Medicare Supplemental Health Insurance Policies	Thomas Hoyer, (301) 594-9440.	42 CFR Parts 400, 401, 402, 403 and 404.	Final Rule with Comment Period published 07/26/82.
PSRO Hospital Review	Patricia Booth, (301) 594-5033.	42 CFR Part 466	Final Rule published 08/26/82.
Assignment and Reassignment of HHAs to Designated Regional Intermediaries.	Norman Fairhurst, (301) 594-9498.	42 CFR Part 421	Final Rule published 09/01/82.
Compliance Deadlines for the Mentally Retarded	Wayne Smith, (301) 594-7651.	42 CFR Part 442	Final Rule published 08/26/82.
Special Solicitation for Cost Sharing Demonstrations	John Meitl, (301) 594-1719	NA	General Notice published 05/28/82.
Certification of Long Term Care Facilities With Repeat Deficiencies	Terence Skelly, (301) 594-3539.	NA	Withdrawn.
Provider Agreements	James Conrad, (301) 597-3421.	NA	Withdrawn.
Conditions of Coverage of ESRD Services	Margaret VanAmringe; (301) 594-9713.	NA	Withdrawn.
Conditions of Participation for Skilled Nursing Facilities	Richard Lanahan, (301) 594-7651.	NA	Withdrawn.
Deeming of Parental Income to Institutionalized Child	Stephen Leeds, (301) 594-8564.	NA	Withdrawn.
Limitation of Costs and Charges for Outpatient Services	Carl Slutter (301) 594-9344	NA	Withdrawn and incorported with another regulation.
Interest Assessment on Overpayments to Providers and Suppliers of Services.	Guy Harriman (301) 594-8193.	NA	Withdrawn and incorporated with another regulation.
Regulatory Reform of Miscellaneous Provisions	William Long (301) 594-8060	NA	Withdrawn.

COMPLETED ACTIONS—Continued

Title	Contact	Citation	Reason for completion
Offset Based on Third Party Liability Recoveries Against Reductions in Medicaid Payments.	Charles Schreibeis (301) 597-1702.	NA	Withdrawn.
Continued Use of Demonstration Reimbursement Systems	Liz Flynn (202) 245-6024	NA	Withdrawn.

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Thursday
October 28, 1982

Part IX

Department of Housing and Urban Development

Semiannual Agenda of Regulations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-82-1169]

Semiannual Agenda of Regulations

AGENCY: Housing and Urban Development Department.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: Pursuant to Section 5 of Executive Order 12291, "Federal Regulation", the Department is publishing its Agenda of proposed regulations already issued or expected to be issued and of currently effective rules that are under review. Also, under Section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication. The Agenda appearing hereinafter is also the agenda of rules under development or review prepared for transmittal to Congressional committees pursuant to Section 7(o) of the Department of HUD Act.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation", issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of proposed regulations that the agency has issued or expects to issue and currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities", meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and Section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the Agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both to better inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency", subject to certain exceptions. The Agenda published below concentrates upon regulatory material contained, or expected to be contained, in the Code of Federal Regulations (or incorporated therein by reference) following publication in the **Federal Register.** As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for codification in the Code of Federal Regulations. In order to assure greater continued availability of such statements to the public, statements of such nature may be printed, as nonregulatory material, in Appendices to related parts of the Code.

The Department also is subject to certain requirements involving Congressional review of rulemaking actions which include publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the Congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment prior to or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If within such period either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session prior to its being published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided into three groups: (i) Current and projected rulemakings, (ii) reviews of existing regulations, and (iii) completed or withdrawn regulations and completed reviews. Within each grouping, priority regulations are listed together first and other regulations listed together second. Priority regulations include all regulations designated for priority development or review by the Department, all regulations that are "major rules" under section 1(b) of Executive Order 12291, and all regulations designated for review by the Presidental Task Force on Regulatory Relief.

Under Executive Order 12291, a "major rule" means "any regulation that is likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

Items listed in this Agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing (including the former Office of Neighborhoods, Voluntary Associations Consumer Protection); Office of Community Planning and Development; Government National Mortgage Association; Office of Fair Housing and Equal Opportunity; Office of Administration; Office of the Inspector General; and New Communities Development Corporation.

Dated: September 21, 1982.

John J. Knapp,

General Counsel.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Semiannual Agenda of Regulations

The following agenda of regulations reflects the status of the rules listed as of September 21, 1982.

Current and Projected Rulemakings/ Priority

A. Title: H-26-82. Restriction on Use of Assisted Housing

B. *Contact:* Robert Kott, Office of General Counsel, 202-755-7084.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 200, 215, 235, 236 and 812.

E. *Legal Authority:* Section 214, Housing and Community Development Act of 1980, as amended by Section 329, Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would prohibit the Secretary of HUD from making financial assistance, under the United States Housing Act of 1937, Section 235 or 236 of the National Housing Act, or Section 101 of the Housing and Urban Development Act of 1965, available for the benefit of any alien, unless that alien is a lawful resident of the United States, pursuant to the provisions of the Immigration and Nationality Act.

G. *Timetable:* Proposed rule published May 3, 1982 (47 FR 18914). Final rule expected to be published September, 1982.

H. *Classification:* Nonmajor.

A. Title: H–46–82. Federal Manufactured Home Construction and Safety Standards

B. *Contact:* Richard Mendlen, Office of Housing, 202–755–6584.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 3280.

E. *Legal Authority:* National Manufactured Housing Construction and Safety Standards Act of 1974, Pub. L. 93–383, 42 U.S.C. 5401, et seq.

F. *Abstract:* As a result of conducting numerous research projects, collecting fire and other related program data, the introduction of new technology, changes in energy prices, the need to clarify portions of the standards, etc., it is necessary for the Department to revise the existing construction and safety standards. In addition, the Presidential Task Force on Regulatory Relief included the Standards among a list of 30 federal regulations to be reconsidered under Executive Order 12291.

As a result of the standards revisions, the safety and durability of manufactured homes will be improved. As part of this revision, changes have been made in the regulations with a de-regulatory purpose.

G. *Timetable:* Advance Notice of Proposed Rulemaking (ANPR), Revision of Manufactured Home Construction and Safety Standards published June 7, 1979 (44 FR 32711). ANPR, Manufactured Home Construction and Safety Standards expected to be published November 1982. (Was listed on previous agenda as NVACP–3–81.) Includes: H–71–82. Advance Notice of Proposed Rulemaking published August 28, 1981 (46 FR 43466).

H. *Classification:* Major.

A. Title: H–72–82. Manufactured Home Construction and Safety Standards (Voluntary Concensus Standards)

B. *Contact:* James McCollom, Director, Manufactured Housing Standards Division, 202–766–5210.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* Undesignated.

E. *Legal Authority:* National Manufactured Housing Construction and Safety Standards, 42 U.S.C. 401 *et seq.*

F. *Abstract:* This is a request for responses to develop and maintain voluntary concensus standards for residential manufactured homes. In an effort to adhere to OMB Circular A–119, "Federal Participation in the Development and Use of Voluntary Standards", the Department 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 request for response would identify those private organizations qualified and interested in developing and maintaining standards which can meet the intent of the Act.

G. *Timetable:* Advance Notice of Proposed Rulemaking published July 7, 1982 (47 FR 29605). Responses are now being considered.

H. *Classification:* Major.

A. Title: H–74–82. Elimination of Minimum Property Standards (MPS) for One- and Two-Family Dwellings

B. *Contact:* Donald R. Fairman, Office of Housing, 202–755–6590.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Subpart S.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.C.S. 3535(d).

F. *Abstract:* Would revise eligibility criteria for single family housing by accepting applications for properties which comply with local codes rather than MPS 4900.1.

G. *Timetable:* Proposed rule expected to be published no later than February 1983.

H. *Classification:* Nonmajor.

A. Title: H–76–82. Public Housing Program

B. *Contact:* Wayne Hunter, Office of Housing, 202–755–6460.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 800.

E. *Legal Authority:* United States Housing Act of 1937, 42 U.S.C. 1437.

F. *Abstract:* Would set forth revised requirements for the development, operation and modernization of public housing under the United States Housing Act of 1937.

G. *Timetable:* Proposed rule in preparation. Includes: H–37–81. Separate proposed rule no longer in preparation.

H. *Classification:* Major.

A. Title: H–79–82. Definition of Income, Income Limits, Rent and Reexamination of Family Income for Public Housing and Section 8

B. *Contact:* Kathy Beckwith, Office of Public Housing, 202–426–7044; James J. Tahash, Program Planning Division, Office of Multifamily Management, 202–755–5654. Monica Sussman, Office of State Agency and Bond Financed Programs, 202–755–7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 804, 805, 813, 860, 861, 865, 880, 881, 882, 883, 884, 886 and 889.

E. *Legal Authority:* Sections 3, 6, 8 and 16, U.S. Housing Act of 1937, 42 U.S.C. 1437; Sections 322 and 323, Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would establish a definition of "income" in the public housing and Section 8 programs and implement other changes in income limits and frequency of reexamination of income, as well as include changes in rents which were implemented by interim rent increase rules published on May 4, 1982.

G. *Timetable:* Proposed rule expected to be published October 1982. Includes: H–64–81: Interim rule published May 4, 1982 (47 FR 19120), effective August 1, 1982. H–68–81: Interim rule published May 4, 1982 (47 FR 19128), effective August 1, 1982. H–54–82: Interim rule published April 7, 1975 (40 FR 15541), effective April 7, 1975. H–56–82: Interim rule published September 26, 1975 (40 FR 323), effective September 26, 1975. H–68–79. Interim rule published September 9, 1980 (45 FR 59309), effective October 1, 1980.

H. *Classification:* Nonmajor.

A. Title: H–81–82. Lead Based Paint Poisoning Prevention

B. *Contact:* Jack R. VanNess, Director, Technical Support Division, 202–755–4956.

C. *Small Entity Impact:* Likely.

D. *CFR Citation:* 24 CFR Part 35.

E. *Legal Authority:* Lead-Based Paint Poisoning Prevention Act, Title 3–302, 42 U.S.C. 4801 *et. seq.*

F. *Abstract:* Would develop regulations consistent with the Lead-Based Paint Poisoning Prevention Act. Alternate to address the problem are being developed at this time. The potential cost is estimated to exceed $100 million per year. This action would benefit children susceptible to lead-based paint poisoning and would avoid

cost of medical treatment and reduce the occurence of mental retardation traced to lead-base paint.

G. *Timetable:* Advance Notice of Proposed Rulemaking expected to be published November, 1982.

H. *Classification:* Major.

A. Title: H-83-82. Delegated Underwriting

B. *Contact:* Robert Englestad, Mortgage Program Specialist, 202-426-0070.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 200, 203, 234.

E. *Legal Authority:* Section 211, National Housing Act, 12 U.S.C., 1715(b); Section 7(d), Dept. of HUD Act, 42 U.S.C., 3535(d).

F. *Abstract:* Would implement a program which delegates mortgage loan underwriting responsibility to the mortgage lender, thereby reducing HUD Involvement in the mortgage origination process. Would delete the requirement that HUD issue commitments prior to mortgage insurance endorsement. Under the revised procedure, HUD will neither review the acceptability of the property and buyer, nor issue commitments, prior to the closing of the mortgage.

G. *Timetable:* Proposed rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-88-82. Multifamily Housing, Urban Renewal, and Low Cost and Moderate Income Mortgage Insurance

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202-426-8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 207, 220, 221, and 236

E. *Legal Authority:* Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Sec. 221, National Housing Act, as amended 12 U.S.C. 1715b.

F. *Abstract:* Provides an alternative method of determining maximum permissible rentals for unsubsidized insured and HUD-held multifamily projects, using the current appraised market value of the property, and provides for an increase in mortgage insurance premiums for projects using this alternative method. In addition, it would end control of rents by HUD for mortgages insured under Section 220 or Section 221(d) of the National Housing Act.

G. *Timetable:* Proposed rule published June 22, 1982 (47 FR 26852). Final rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: H-97-82. Fair Market Rent (FMR) Schedules for New construction and Substantial Rehabilitation under Section 8 and Section 23 Housing Assistance Payments Program

B. *Contact:* Linda D. Cheatham, Office of Housing, 202-755-8686

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 803 and 888.

E. *Legal Authority:* Section 8(c)1, Housing and Community Development Act of 1974, Pub. L. 92-383, as amended, 42 U.S.C. 1437.

F. *Abstract:* Annual revisions of the FMRs.

G. *Timetable:* Interim rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H-100-82. Housing for the Elderly or Handicapped—Amendment to Implement Cost Savings Procedures

B. *Contact:* Robert W. Wilden, Office of Housing, 202-755-6528.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 885.

E. *Legal Authority:* Housing Act of 1959, Pub. L. 86-372, 12 U.S.C. 1701q.

F. *Abstract:* Would implement cost savings requirements.

G. *Timetable:* Interim rule published May 11, 1982 (47 FR 20113), to be treated as a proposed rule. (Appropriate notice will be published in the **Federal Register** September 1982.) Final rule expected to be published January, 1983. Includes: H-41-81. Separate interim rule no longer in preparation.

H. *Classification:* Nonmajor.

A. Title: H-114-82. Subpart A—Tax Exemption of Obligations of Public Housing Agencies and Related Amendments

B. *Contact:* Steven Silvert, Office of Housing, 202-755-8135.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 811, Subpart A.

E. *Legal Authority:* Section 11(b) United States Housing Act of 1937, 42 U.S.C. 1437, *et seq.*

F. *Abstract:* Would be changed to reflect technical changes and current policy in the Part 811 tax-exempt area. Publication will eliminate necessity to grant Headquarters waivers where policy has been established.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-126-82. Section 8—Litigation by PHAs to Recover Wrongfully Used Sectin 8 Funds

B. *Contact:* Madeline Hastings, Director, Section 8—Existing and Modera Rehabilitation, 202-755-5656.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 892.

E. *Legal Authority:* Section 326(d), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would permit PHAs to retain, out of judgments obtained by them in recovering amounts wrongfully paid as a result of fraud and abuse in the Section 8 program, an amount equal to the greater of 1) legal expenses incurred in obtaining the judgment or 2) 50 percent of the amount actually collected on the judgments.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-127-82. Government Officials, Conflicts of Interest

B. *Contact:* John J. Knapp, Office of General Counsel, 202-755-7244.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 880, 881, 882, 883, 884, 886, 888 and 889.

E. *Legal Authority:* Section 326(d), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would prevent possible conflicts of interest on the part of Federal, State and local government officials with regard to participation in projects assisted under Section 8.

G. *Timetable:* Proposed rule expected to be published November, 1982

H. *Classification:* Nonmajor.

A. Title: H-128-82. Flexible Subsidy Program, Upgrading to Cost-effective Energy Efficiency Standards

B. *Contact:* James J. Tahash, Program Planning Division, Office of Multifamily Management, 202-755-5654.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 219.120.

E. *Legal Authority:* Section 329C(1), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would authorize the inclusion, in troubled project flexible subsidy, of an amount necessary to carry out an upgrading of a project to meet cost-effective energy efficiency standards prescribed by the Department.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-129-82. Flexible Subsidy Program—Control of Owner Energy Costs

B. *Contact:* James J. Tahash, Program Planning Division, Office of Multifamily Management, 202-755-5654.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 219.

E. *Legal Authority:* Section 329C(2), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would authorize the adjustment of the amount of rent

increases in multifamily projects where the Department finds the owner could control increases in utility costs by securing more favorable utility rates, undertaking financially feasible and cost-effective energy conservation measures, or taking other financially feasible and cost-effective actions to increase energy efficiency or reduce energy consumption.

G. *Timetable:* Proposed rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-130-82. Section 8—Extension of Program Eligibility to Substantially Rehabilitated Manufactured Home Parks

B. *Contact:*

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 880.

E. *Legal Authority:* Section 329H, Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would extend Section 8 eligibility to include substantially rehabilitated manufactured home parks and to permit provision of Section 8 assistance to owners of manufactured home parks where only the space in the park is rented.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-131-82. Section 8—Requirement for Modest Design

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202–755–7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 880.204(e).

E. *Legal Authority:* Section 324(1), Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would require that Section 8 housing be modest in design.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-132-82. Section 8—Limit on Contract Rent Increases

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202–755–7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 880 and 881.

E. *Legal Authority:* Section 324(2), Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would limit Section 8 contract rent increases for new construction and substantial rehabilitation projects to operating increases incurred for comparable units in the market area.

G. *Timetable:* Proposed rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: H-133-82. Section 8—Limit on Cost and Rent Increases, Preference for Certain Projects, Assistance for Units Without Bathrooms or Kitchen Facilities

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202–755–7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 880.

E. *Legal Authority:* Section 324(3), Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would (1) limit cost and rent increases after selection of proposal to unforseen factors beyond owner's control, design changes required by the Department or local government, or changes in financing approved by the Department (2) require preference for projects located on land provided by State or local governments, provided that land is suitable for such housing and that it will be cost effective, and (3) permit assistance in substantial rehabilitation and moderate rehabilitation programs for rental of units which contain no bathroom or kitchen facilities.

G. *Timetable:* Interim rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: H-134-82. Section 8—Prohibition of Preference to Certain Partially Assisted Projects

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202–755–7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 880.

E. *Legal Authority:* Section 325(2), Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would prohibit granting of preference to partially assisted Section 8 projects where mortgage is to be purchased under GNMA Tandem plan.

G. *Timetable:* Final rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-135-82. Section 8—Rent Increase Notification

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202–755–7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 880 and 881.

E. *Legal Authority:* Section 326(a), Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would provide that Section 8 contracts must require the owner to notify tenants at least 90 days prior to expiration of contract of any rent increase which may occur as a result of the contract expiration.

G. *Timetable:* Proposed rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-136-82. Limitation on Sections of Assisted Multifamily Project Owners

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202–755–8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 215, 221 and 236.

E. *Legal Authority:* Section 329F, Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would require tenant comment on requests by owners of assisted multifamily projects for rent increase, conversion of rental units to any other use, partial release of security, or major physical alterations.

G. *Timetable:* Proposed rule expected to be published November, 1982. Includes: H–34–81. Separate proposed rule no longer in preparation. H–75–78. Separate proposed rule no longer in preparation.

H. *Classification:* Nonmajor.

A. Title: H-137-82. Income Certification

B. *Contact:* Kathy Beckwith, Office of Public Housing, 202–426–7044; James J. Tahash, Program Planning Division, Office of Multifamily Management, 202–755–5654; Monica Sussman, Office of State Agency and Bond Financed Programs, 202–755–7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 860, 880, 881, 882, 883, 884 and 886.

E. *Legal Authority:* Section 322(d) and (e), Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would require income recertifications for public housing and Section 8 not less frequently than annually.

G. *Timetable:* Final rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-138-82. Section 8 New Construction and Substantial Rehabilitation, Availability of Units Under Contract at Initial Occupancy

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202–755–7272.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 880 and 881.

E. *Legal Authority:* Section 325(1), Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would require that contracts for Section 8 newly constructed and substantially

rehabilitated units provide that the owner make available to eligible families at initial occupancy the number of units for which assistance is committed under the contract.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-139-82. Advance Mortgage Insurance Premiums

B. *Contact:* Arnold H. Diamond, Director, Office of Financial Management, 202-426-4325.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203, 220, 221, 222, 226, 227, 234, 235, 237 and 240.

E. *Legal Authority:* Section 211, National Housing Act, 12 U.S.C. 1708; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would institute a one-time mortgage insurance premium in lieu of the monthly installment premiums being collected in the FHA single-family mortgage insurance programs. The collection of a single advance mortgage insurance premium would achieve greater efficiency and economy in the administration of FHA insurance of loans.

G. *Timetable:* Proposed rule expected to be published not later than January, 1983.

H. *Classification:* Major.

A. Title: H-140-82. Section 236 Program—Definition of Income

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202-426-8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 236.2.

E. *Legal Authority:* Section 322(f)(8), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would revise the definitions of "income" and "adjusted income" to make them consistent with the Part 813 definitions (see H-79-82).

G. *Timetable:* Proposed rule expected to be published January, 1983. Includes: H-16-80. Interim rule published September 8, 1980 (45 FR 59147), effective October 1, 1980. H-49-82. Interim rule published July 29, 1975 (40 FR 31873), effective July 29, 1975. H-63-82. Interim rule published December 9, 1977 (42 FR 62131), effective December 9, 1977.

H. *Classification:* Nonmajor.

A. Title: H-141-82. Rent Supplement Program—Definition of Income

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202-426-8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 215.20 and 215.21.

E. *Legal Authority:* Section 322(g)(1), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would revise the definition of "income" for the Rent Supplement program to make it consistent with the Part 813 definition (see H-79-82).

G. *Timetable:* Proposed rule expected to be published January, 1983. Includes: H-13-80. Interim rule published September 8, 1980 (45 FR 59145), effective October 1, 1980. H-55-82. Interim rule published May 20, 1975 (40 FR 21935), effective May 20, 1975.

H. *Classification:* Nonmajor.

A. Title: H-39-81. Section 8 New Construction and Substantial Rehabilitation—Consolidation of Parts

B. *Contact:* Joseph E. Malloy, Office of Housing, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 880 and 881.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 93-383, 42 U.S.C. 1437f; as amended by Section 304(a), Housing and Community Development Act of 1980, Pub. L. 96-399.

F. *Abstract:* Would consolidate and simplify current regulation governing Sections 8 New Construction and Substantial Rehabilitation programs.

G. *Timetable:* Proposed rule in preparation. Includes: H-42-78. Interim rule published January 31, 1980 (45 FR 7082), effective February 20, 1980. H-61-79. Interim rule published January 31, 1980 (45 FR 7072), effective February 20, 1980. H-65-81. Review completed. H-66-81. Review completed.

H. *Classification:* Nonmajor.

A. Title: H-40-81. Eligibility of Existing Structures and Moderate Rehabilitation To Meet Needs of Non-elderly Handicapped

B. *Contact:* Robert W. Wilden, Office of Housing.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 885.

E. *Legal Authority:* Section 202, Housing Act of 1959, Pub. L. 86-372, 12 U.S.C. 1701g, as amended by Section 319 of Housing and Community Development Pub. L. 96-399.

F. *Abstract:* Would make eligible for financing under section 202 loan program the acquisition, with or without moderate rehabilitation, of housing and related facilities for the non-elderly handicapped.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-45-81. Mortgage Insurance Program Under National Housing Act (Use of Inferior Liens)

B. *Contact:* Linda D. Cheatham, Office of Housing, 202-755-8686.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 205, 207, 220, 221, 231, 232.

E. *Legal Authority:* Sections 205, 207, 220, 221, 231, 232 and 244, National Housing Act, Pub. L. 73-479, as amended, 12 U.S.C. 1713, 1715K, 1715L, 1715V and 1715W.

F. *Abstract:* Would amend Parts 205, 207, 220, 221, 231, 232 and 244 to permit second mortgages to be used to secure Urban Development Action Grant and Community Development Block Grant Loans when made in connection with multifamily mortgage insurance.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-69-81.—Minimum Property Standards for Multifamily Housing—MPS 4910.1

B. *Contact:* Richard A. Atwell, 202-755-5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Subpart S.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would amend the present minimum Property Standards (MPS) by adopting a new MPS for Multifamily Housing. This new MPS would replace the present MPS for Multifamily Housing, 4910.1. It would delete marketability and livability items from the present Multifamily MPS 4910.1, to the same extent that they were deleted from the MPS One- and Two-Family Dwellings, and would adopt by reference nationally recognized model building codes, or other state and local codes, to provide health and safety protection.

G. *Timetable:* Proposed rule expected to be published November, 1982.

H. *Classification:* Major.

A. Title: H-13-80. Rent Supplement Payments

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202-426-8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 215.

E. *Legal Authority:* Section 101, HUD Act of 1965, Pub. L. 89-117, 12 U.S.C. 1701s; as amended by Sections 203(a)(1) and (2), Housing and Community Development Amendments of 1979, Pub. L. 96-153.

F. *Abstract:* Simplified processing under various programs by making

uniform the definitions of eligibility and adjusted income.

G. *Timetable:* Interim rule published September 8, 1980 (45 FR 59145), effective October 1, 1980. Includes: H–55–82. Interim rule published May 20, 1975 (40 FR 21935), effective May 20, 1975.

H. *Classification:* Nonmajor.

A. Title: H–16–80. Section 236 Program—Definition of Eligible Tenant

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202–426–8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 236.2.

E. *Legal Authority:* Section 236, National Housing Act, Pub. L. 73–479; as added by Section 201, Housing and Urban Development Act of 1968, Pub. L. 90–448, 12 U.S.C. 1715z–10, as amended by Section 203(b) and (c), HCD Amendments of 1979, Pub. L. 96–153, 12 U.S.C. 1715z–10.

F. *Abstract:* Changes the definitions of "qualified tenant" and "adjusted income" in the Section 236 program to make them consistent with those used in the Section 8 program.

G. *Timetable:* Interim rule published September 8, 1980 (45 FR 59147), effective October 1, 1980. Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H–22–80. Preferences for Persons Displaced and Living in Substandard Housing

B. *Contact:* Joanne Manning Anderson, Program Analyst, 202–755–5727

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 215, 880, 881, 882, 883, 884, 885 and 886.

E. *Legal Authority:* Sections 203(a) and 206, Housing and Community Development Amendments of 1979, Pub. L. 96–153; 12 U.S.C. 1701s.

F. *Abstract:* Would establish preferences in the Section 8 and Rent Supplement programs for those "living in substandard housing", and for those who are "involuntarily displaced." Would also establish an administratively-determined preference for those paying more than 50 percent of their income for rent.

G. *Timetable:* Proposed rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H–24–79. Mortgagor and Tenant Relationship; Mortgagor Relationship to Tenant Activities

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202–426–8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 430.

E. *Legal Authority:* Section 202(b)(2) and (4), Housing and Community Development Amendments of 1978, Pub. L. 95–557, as amended, 12 U.S.C. 1715z–1b.

F. *Abstract:* Would prohibit project owners from interfering with attempts by tenants to organize or to obtain rental subsidies.

G. *Timetable:* Proposed rule published September 29, 1980 (45 FR 64211). Final rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H–60–79. Public Housing Program-Continued Operation of Projects as Lower-Income Housing After Completion of Debt Service

B. *Contact:* Richard L. Rivard, Housing Management Officer, 202–755–5595.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 869.

E. *Legal Authority:* U.S. Housing Act of 1937, 42 U.S.C 1437 *et seq.*; Section 7(d) Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Adds a new Part 869 to provide for an extension of Annual Contributions Contract (ACC) to (1) permit continued payment of operating subsidy after completion of debt service; (2) provide a contractual basis for continued operation as low-income housing. Permits operation of project as lower-income housing after completion of debt service in accordance with a plan approved by HUD.

G. *Timetable:* Interim rule published August 7, 1980 (45 FR 52371), effective September 15, 1980. Proposed rule reflecting significant changes in interim rule in preparation.

H. *Classification:* Major.

A. Title: H–62–78. Mortgage Insurance—Existing Projects

B. *Contact:* Michael C. Well, Special Projects Officer, 202–755–6454.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 207.32a.

E. *Legal Authority:* Section 223(f), National Housing Act. Pub. L. 73–479, 12 U.S.C. 1715n, as amended by Section 311(a), Housing and Community Development Act of 1974, Pub. L. 93–383.

F. *Abstract:* Designed to assist projects in older declining urban areas; implements the Target Area Preservation (TAP) Program.

G. *Timetable:* Interim rule published October 3, 1979 (44 FR 56927), effective October 29, 1979. Final rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H–66–78. Coinsurance for Multifamily Rental Housing

B. *Contact:* James B. Mitchell, Office of Housing, 202–426–4325.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 251.

E. *Legal Authority:* Section 244, National Housing Act. Pub. L. 73–479, 12 U.S.C. 1701, *et. seq.* as amended by Section 307 of the Housing and Community Development Act of 1974, Pub. L. 93–383.

F. *Abstract:* Would provide for a coinsurance program for rental housing mortgage loans insured under Sections 221(d)(3) and 221(d)(4) of the National Housing Act.

G. *Timetable:* Proposed rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: H–69–78. HUD-owned Multifamily Projects—Management and Disposition

B. *Contact:* Marvin T. Hilman, Director, Multifamily Sales Division.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 290.

E. *Legal Authority:* Section 203, Housing and Community Development Amendments of 1978, Pub. L. 95–557, 12 U.S.C. 1701–11.

F. *Abstract:* Establishes the policies the Department follows in managing and disposing of HUD-owned multifamily projects.

G. *Timetable:* Interim rule published October 1, 1979 (44 FR 56608), effective October 30, 1979. Proposed rule expected to be published February, 1983. Includes: H–61–81. Review completed.

H. *Classification:* Nonmajor.

A. Title: H–70–78. Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities

B. *Contact:* John E. Bonkoski, Environmental Clearance Officer for Housing, 202–755–6740.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 8.

E. *Legal Authority:* Section 504, Rehabilitation Act of 1973, 29 U.S.C. 794; Section 111(a), Rehabilitation Act Amendments of 1974, 29 U.S.C. 706.

F. *Abstract:* Would add a new 24 CFR Part 8 to set forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance.

G. *Timetable:* Proposed rule published April 19, 1978 (43 FR 16652). Final rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H–89–78. Additional Assistance Program for Projects with HUD-Insured or HUD-Held Mortgages

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202–426–8730.

C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR Part 886.
E. *Legal Authority:* Section 8, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437.
F. *Abstract:* Amended 24 CFR Part 886, Subpart A to remove the requirement that HUD annually inspect 100% of the units under HUD-insured or HUD-held mortgages and to call for inspections based on a reasonable sample. This brings this requirement in line with other programs which permit inspections on a sample basis.
G. *Timetable:* Interim rule published December 26, 1978 (43 FR 60157), effective December 26, 1978. Final rule in preparation.
H. *Classification:* Nonmajor.

A. Title: H–95–78. Tenant Allowances for Utilities

B. *Contact:* Charles R. Ashmore, Utilities Specialist; Office of Public Housing, 202–755–5843.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR 865, Subpart E.
E. *Legal Authority:* Sections 2, 3, 6 and 9, United States Housing Act of 1937, 42 U.S.C. 1437, 1437a, 1437d, 1437g; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).
F. *Abstract:* HUD published regulations regarding the determination of Utility Allowances as an interm rule in September 1980. The Presidential Task Force on Regulatory Relief in August 1981 targeted these regulations for review. The proposed regulations will allow PHAs greater flexibility in determining utility allowances and states in general terms the definition of "reasonable amounts for utilities."
G. *Timetable:* Interim rule published September 9, 1980 (45 FR 59502), effective October 1, 1980. Proposed rule published August 13, 1982 (47 FR 35249). Final rule expected to be published December, 1982.
H. *Classification:* Nonmajor.

A. Title: CPD–4–82. Community Development Block Grants

B. *Contact:* James R. Broughman, Director, Entitlement Cities Division, Office of Community Planning and Development, 202–755–9267.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR Part 570, Subparts A, C, D, K, M, and O.
E. *Legal Authority:* Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301 *et seq.*
F. *Abstract:* Interim Rule would amend 24 CFR Part 570 to set forth new requirements governing the administration of Community Development Block Grant Funds under Subparts A (General Provisions), C (Eligibile Activities D (Entitlement Grants) K (Other Applicable Laws) M (Loan Guarantees) and O, 570.901 (Review for Compliance with Primary Objectives).
G. *Timetable:* Interim rule expected to be published October, 1982. Includes: CPD–8–82. Interim rule published February 1, 1978 (43 FR 4382), effective February 1, 1978. CPD–16–81. Separate interim rule no longer in preparation. CPD–17–81. Interim rule published September 14, 1981 (46 FR 45603), effective September 14, 1981. CPD–18–81. Separate interim rule no longer in preparation. CPD–20–81. Separate proposed rule no longer in preparation. CPD–24–81. Review completed. CPD–25–81. Review completed. CPD–26–81. Review completed. CPD–40–81. Review completed. CPD–4–80. Separate interim rule no longer in preparation. CPD–10–79. Interim rule published September 9, 1980 (45 FR 59306), effective October 1, 1980. CPD–8–78. Interim rule published February 1, 1978 (43 FR 4382), effective February 1, 1978.
H. *Classification:* Major.

A. Title: CPD–5–82. Special Projects Program

B. *Contact:* Liza Bowles, Office of Community Planning and Development, 202–755–8909.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR 570.410.
E. *Legal Authority:* Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301, *et seq.*
F. *Abstract:* This interim rule established a new Community Development Special Projects Program for states and units of general local government. This rule describes policy and procedures for HUD to award Special Projects Assistance.
G. *Timetable:* Interim rule published July 12, 1982 (47 FR 30053), effective August 11, 1982. Final rule expected to be published April 1983.
H. *Classification:* Major.

A. Title: CPD–16–82. UDAG—Housing Eligibility

B. *Contact:* Virginia S. Healy, Office of Urban Development Action Grants, 202–755–6193.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR 570.
E. *Legal Authority:* Section 119, Title I, Housing and Community Development Act of 1974 as amended, 42 U.S.C. 5301 *et seq.;* Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).
F. *Abstract:* Would establish that new construction and rehabilitation of housing, except for mixed-use projects, is not an eligible activity under UDAG.
G. *Timetable:* Proposed rule expected to be published November, 1982.
H. *Classification:* Nonmajor.

A. Title: CPD–17–82. Rental Rehabilitation Grant Program

B. *Contact:* Michael Ehrmann, Director, Rehabilitation Policy and Assistance Division, Office of Urban Rehabilitation, 202–755–5324.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* Yet to be determined.
E. *Legal Authority:* Proposed Legislation.
F. *Abstract:* The Administration has proposed a new program to replace current Section 312 loans and Section 8 Mod- and Sub-Rehabilitation.
G. *Timetable:* Dependent upon legislative enactment.
H. *Classification:* Major.

A. Title: CPD–36–81. Community Development Block Grants; Urban Development Action Grants

B. *Contact:* Virginia Healy, Program Advisor, UDAG, 202–755–7362.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR Part 570.
E. *Legal Authority:* Section 119, Title I, Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301 *et seq.*; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).
F. *Abstract:* The proposed changes are technical with no effect on program policy or procedures. Definition of Indian Tribe has been added and several citations corrected.
G. *Timetable:* Final rule expected to be published November 1982.
H. *Classification:* Nonmajor.

A. Title: CPD–21–81. Environmental Review Procedures for the CDBG Program

B. *Contact:* Charles E. Thomsen, 202–755–7355.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR Part 58.
E. *Legal Authority:* Section 104(f), Housing and Community Development Act of 1974, Public Law 93–383; 42 U.S.C. 530 *et seq.*, as amended by Section 104(g), Housing and Community Development Amendments of 1979, Public Law 96–153.
F. *Abstract:* The final rule provides policies and procedures by which assisted communities discharge Federal environmental review responsibilities. The final rule also streamlines and reduces the environmental requirements. Such actions include: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) the definitive list of related statutes and authorities that

must be observed by grant recipients for the release of block grant funds as required by the HUD legislation; and (3) the further provisions needed to conform with an implement innovative measures of the HUD Amendments of 1981 such as the new state-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by such states.

G. *Timetable:* Review completed. Interim rule published April 12, 1982 (47 FR 15750), effective May 19, 1982. Final rule expected to be published March, 1983. Includes: CPD–23–81. Review completed. CPD–27–78. Interim rule published August 2, 1979 (44 FR 45568), effective October 1, 1979.

H. *Classification:* Nonmajor.

A. Title: CPD–35–81. Small Cities CDBG Program

B. *Contact:* Helen Duncan/Byrant Monroe, 202–755–6322.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 570, Subpart F

E. *Legal Authority:* Title I, Housing & Community Development Act of 1974 as amended (42 U.S.C. 5301 et seq.); and Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

F. *Abstract:* This rule amends the HUD administered Small Cities CDBG Program for nonentitled areas by establishing new policy and procedures, and simplifying the application process.

G. *Timetable:* Interim Rule published August 16, 1982 (47 FR 35674), effective August 16, 1982. Final rule expected to be published June, 1983. Includes CPD–3–80. Interim rule published February 23, 1981 (46 FR 13676), effective March 27, 1981. CPD–12–82. Interim rule published June 26, 1979 (44 FR 37478), effective July 26, 1979.

H. *Classification:* Nonmajor.

A. Title: CPD–38–81. Community Development Block Grants, Grant Administration

B. *Contact:* James R. Broughman, Director, Entitlement Cities Division, Office of Community Planning and Development, 202–755–9267.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 570, Subpart J.

E. *Legal Authority:* Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301 et. seq.

F. *Abstract:* Revision of existing Subpart J is necessary in order to: (1) Eliminate any unnecessary requirements that exceed statutory intent; (2) Strengthen the Department's ability to minimize any waste and mismanagement in CDBG programs governed by Subpart J; (3) Consolidate in Subpart J record keeping and reporting requirements now described partly in Subpart J and partly in Subpart O; and (4) Reflect changes in OMB grant management circulars.

G. *Timetable:* Review completed. Interim rule expected to be published December 1982. Includes: CPD–3–81. Proposed rule published July 31, 1979 (44 FR 45110). CPD–16–78. Interim rule published February 13, 1980 (45 FR 9730), effective March 14, 1980.

H. *Classification:* Nonmajor.

A. Title: CPD–44–81. Community Development Block Grants, Performance Review

B. *Contact:* James R. Broughman, Director, Entitlement Cities Division, Office of Community Planning and Development, 202–755–9267.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 570, Subpart O.

E. *Legal Authority:* Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301, et seq.

F. *Abstract:* Revision of existing Subpart O is necessary in order to: (1) Implement the 1981 legislative amendment to section 104(d)(1) of the Housing and Community Development Act of 1974, which describes the Secretary's review responsibilities with respect to the CDBG entitlement grants and HUD-administered Small Cities grants; (2) Clarify performance standards against which each grant recipient's performance will be judged; (3) Eliminate any unnecessary requirements that exceed statutory intent; and (4) Transfer material on record keeping and reporting to Subpart J, Grant Administration, in order to consolidate such information with related information currently in Subpart J.

G. *Timetable:* Review completed. Interim rule expected to be published December, 1982.

H. *Classification:* Nonmajor.

A. Title: CPD–18–79. Indian CDBG Program

B. *Contact:* Marcia A. B. Brown, Office of Community Planning and Development, 202–755–6092.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 571.

E. *Legal Authority:* Title I, Housing and Community Development Act of 1974 as amended, Pub. L. 93–383, 42 U.S.C. 5301 et seq.

F. *Abstract:* This rule revises the regulations governing the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages. The revision incorporates new policies and procedures and simplifies the regulations' text and the application process. Substantial changes were made to the application requirements, the number of criteria for rating projects, the Indian preference requirements, and by eliminating comprehensive grants.

G. *Timetable:* Review completed. Interim Rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: CPD–29–78. Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality

B. *Contact:* Fred D. Regetz, 202–755–7355.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 50.

E. *Legal Authority:* The National Environmental Policy Act of 1969, Public Law 91–190, 42 U.S.C. *et seq.;* Section 905, Housing and Community Development Act of 1979, Public Law 95–557.

F. *Abstract:* This interim rule will replace an interim rule published on November 27, 1979 (44 FR 67906). The rule provides policies and procedures for HUD consideration of environmental factors in decisionmaking under HUD programs (except the Community Development Block Grant Program). The rule implements the National Environmental Policy Act (NEPA) and several specific environmental laws and authorities. The rule changes a number of elements of the November 1979 interim rule to reduce the regulatory burden of procedural details. It revises thresholds for environmental impact statements (EIS) to single threshold of 2,500 dwelling units; increase reliance on environmental assessments for determining when an EIS is required; provides a basis for HUD acceptance of environmental reviews prepared by the Veterans Administration; clarifies activities that are "categorically excluded" from NEPA; and contains other elements in compliance with regulations of the Council on Environmental Quality.

G. *Timetable:* Review completed. Interim rule expected to be published September 1982. Final rule expected to be published May 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–32–78. Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive Nature

B. *Contact:* James L. Christopulos, Senior Environmental Engineer, Office of Environment and Energy, 202–755–6580.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 51, Subpart C.

E. *Legal Authority:* National Environmental Policy Act of 1969, Pub. L. 91–190, 42 U.S.C. 4321 *et seq.;* Section 7(d) Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

F. *Abstract:* The regulation establishes explosion and thermal radiation (fire) safety standards, which can be used to determined an acceptable separation distance (ASD) for HUD projects from chemicals or petrochemicals of an explosion and/or fire prone nature.

Alternatives: (1) Maintain status quo of having no regulation; (2) Apprise local public housing authorities, planning agencies, CDBG recipients, and others of the dangers involved and identify methods for redúcing or negating potential hazards to proposed HUD-assisted projects; (3) Publish the regulation, which will establish safety standards and guidance for applying the safety standards.

Costs: Any additional land costs or costs resulting from incorporation of mitigation design measures into the project, such as an earthen berm, would be borne by the project developer, or in the case of a public housing project by the sponsor and HUD, through its housing assistance activities.

Benefits: The basic benefit of the regulation will be to assure that people and property are not exposed to potential explosion and thermal radiation hazards represented by chemicals or petrochemicals. A secondary benefit is to protect the investments of HUD by assuring that projects located in the proximity of such hazards are located at acceptable separation distances or that mitigating measures are incorporated into the project to protect against potential explosion or high-intensity fire.

G. *Timetable:* ANPR published September 10, 1979 (44 FR 52695). Proposed rule published August 19, 1980 (45 FR 55223). Final rule in preparation.

H. *Classification:* Major.

A. Title: FH&EO–5–81. Recognition of Substantially Equivalent Laws

B. *Contact:* Steven J. Sacks, Office of Fair Housing Enforcement and Section 3 Compliance, 202–426–3500.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 115.

E. *Legal Authority:* Sec. 816, Civil Rights Act of 1968, Pub. L. 90–284, 42 U.S.C. 3601 et seq.

F. *Abstract:* This proposed rule will make two substantive changes in the procedures for recognition of State and local fair housing laws as substantially equivalent to Title VIII of the Civil Rights Act 1968. First, it will require substantially equivalent coverage based on sex discrimination. Secondly, it will provide for publication of proposed and final recognition of substantially equivalent jurisdictions as a notice in the **Federal Register** rather than as an amendment to 24 CFR Section 115.11.

The requirement of substantially equivalent coverage based on sex discrimination will eliminate jurisdictional questions in complaint referrals. The change to a notice procedure will expedite the recognition process by eliminating the time consuming procedure of rulemaking for the ongoing process of recognizing additional jurisdictions as they meet the recognition criteria.

G. *Timetable:* Proposed rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: FH&EO–1–79. Implementation of Age Discrimination Act of 1975

B. *Contact:* Myra B. Kennedy, Equal Opportunity Specialist, Program Compliance Division, 202–755–5904.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 146.

E. *Legal Authority:* Age Discrimination Act of 1975, Public Law 94–135, 42 U.S.C. 610 et seq.

F. *Abstract:* This part set forth policies and procedures to assure nondiscrimination on the basis of age in programs receiving financial assistance from the Department.

G. *Timetable:* Proposed rule published November 4, 1980 (45 FR 73454). Final rule expected to be published March, 1983.

H. *Classification:* Major.

A. Title: FH&EO–13–78. Implementation of Section 109 of the Housing and Community Development Act of 1974

B. *Contact:* Barry Anderson, Director, Program Compliance Division, 202–755–5404.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 144.

E. *Legal Authority:* Title I, Housing and Community Act of 1974, Public Law 93–383, 42 U.S.C. 5301 et seq.

F. *Abstract:* This regulation would assure nondiscrimination on the grounds of race, color, national origin or sex in any program funded in whole or part with Community Development Block Grant funds.

G. *Timetable:* Proposed rule published November 25, 1980. (45 FR 78508). Final rule expected to be published March, 1983.

H. *Classification:* Major.

A. Title: H–26–79. Low-Income Public Housing-Lease Requirements, Evictions and Hearings

B. *Contact:* Edward Whipple, Office of Public Housing, 202–426–0744.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 866.

E. *Legal Authority:* U.S. Housing Act of 1937, as amended, 42 U.S.C. 1437.

F. *Abstract:* Would amend the regulations for the Public Housing Program under the United States Housing Act of 1937 to: (1) simplify the requirements for provisions included in the lease between a Public Housing Agency (PHA) and its tenants; (2) limit the requirement for the PHA to provide an opportunity for an informal hearing to cases involving a denial of admission or PHA determinations of income or rent of an assisted tenant; and (3) to provide that all evictions of a tenant must be carried out through State or local judicial process, and that termination of tenancy must be based on violation of the lease or of Federal, State or local law, or other good cause.

G. *Timetable:* Proposed rule published August 4, 1980 (45 FR 51615). Revised proposed rule expected to be published November 1982. Includes: H–72–81. Review completed. H–30–81. Separate proposed rule no longer in preparation.

H. *Classification:* Nonmajor.

Current and Projected Rulemakings

A. Title: S–3–82. Implementation of the Equal Access to Justice Act in Administrative Proceedings

B. *Contact:* Harold A. Levy, Office of General Counsel, 202–755–6550.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 14.

E. *Legal Authority:* Section 203(a)(1), Equal Access to Justice Act, Pub. L. 96–481, 5 U.S.C. 504.

F. *Abstract:* The Equal Access to Justice Act provides that in certain Federal agency adversary adjudications pending between October 1, 1981 and September 30, 1984, the agency that conducts the proceeding shall award attorney fees and other expenses to qualified parties who prevail against the agency, unless (1) the position of the agency as a party to the proceeding was substantially justified; (2) special circumstances make an award unjust; or (3) the prevailing party engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy. The rule will establish procedures for the submission and consideration of applications for award. In light of the limited number of proceedings to which the rule will be applicable, the potential costs of the rule are expected to be minimal.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: S–4–82. Nonjudicial Foreclosure of Multifamily Mortgages

B. *Contact:* Geoffrey L. Patton, Office of General Counsel, 202–755–5351.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 27.

E. *Legal Authority:* Sections 369C(5) and 369*I*, Multifamily Mortgage Foreclosure Act of 1981, 12 U.S.C. 3711(5) and 3717.

F. *Abstract:* Would implement the Multifamily Mortgage Foreclosure Act of 1981. That Act authorizes the Secretary to exercise a statutory non judicial power of sale with regard to defaulted multifamily mortgages held by the Secretary under Title II of the National Housing Act or under Section 312 of the Housing Act of 1964.

G. *Timetable:* Proposed rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: S–5–82. Solar Energy and Energy Conservation

B. *Contact:* Dr. Richard H. Francis, Comptroller, Solar Energy and Energy Conservation Bank, 202–755–7166.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 1800.

E. *Legal Authority:* Subtitle A, Title V, Energy Security Act, Pub. L. 96–294, 12 U.S.C. 3601 *et. seq.*

F. *Abstract:* The Solar Energy and Energy Conservation Bank has issued a Solicitation of Proposals to States for their participation in the Bank's program (47 FR 37960 (August 27, 1982)). Assistance will coordinate financial assistance made available by the Bank with energy auditing and assistance programs at the State level or the Residential Conservation Service (RSC) program under the Department of Energy. The Solicitation includes for planning and pre-implementation purposes, an Appendix of terms and conditions for financial assistance. Following the receipt of proposals from States, and prior to the authorization of expenditure of funds for financial assistance, the Bank will issue an interim rule based upon the Solicitation of Proposals and the responses received.

The Bank has determined that distributing funds through this procedure will achieve the most rapid, effective, and innovative use of the limited amount of funding now available for the program.

G. *Timetable:* Interim rule expected to be published February, 1983.

H. *Classification:* Nonmajor.

A. Title: S–6–82. Rulemaking: Policy and Procedures; Deletion of Final Report on Improving Government Regulations

B. *Contact:* Grady J. Norris, Assistant General Counsel for Regulations, 202–755–7055.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 10.1.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would make technical amendment to delete references to the Final Report on Improving Government Regulations. The report was written pursuant to Executive Order 12044 which has been revoked.

G. *Timetable:* Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: S–1–79. Board of Contract Appeals Regulations

B. *Contact:* Jean S. Cooper, Board of Contract Appeals, 202–673–6130.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 20.

E. *Legal Authority:* Contract Disputes Act of 1978, Pub. L. 95–563, 41 U.S.C. 601 *et seq.*

F. *Abstract:* Would revise the rules of procedure of HUD Board of Contract Appeals to implement statutory changes made by the Contract Disputes Act of 1978 and uniform rules issued by the office of Federal Procurement Policy.

G. *Timetable:* Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: S–2–79. Suspension and Debarment

B. *Contact:* Philip Schulman, Assistant General Counsel for Inspector General and Administrative Proceedings, 202–755–5557.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 24.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Would amend 24 CFR Part 24 to conform with Policy Letter 82–1, "Policy Guidance Concerning Government-wide Debarment, Suspension, and Ineligibility" issued by the Office of General Procurement Policy, dated June 24, 1982. Additionally, it would clarify the criteria for imposing administrative sanctions on grantees and program participants other than procurement contractors, as well as to clarify the procedural safeguards afforded participants in suspension and debarment proceedings.

G. *Timetable:* Proposed rule published July 8, 1980 (45 FR 46012). Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: S–3–79 Mortgagee Review Booard

B. *Contact:* Phillip L. Schulman, Assistant General Counsel for Inspector General and Administrative Proceedings, 202–755–5557.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 25.

E. *Legal Authority:* Section 211, National Housing Act Pub. L. 73–479 as amended, 12 U.S.C. 1715(b).

F. *Abstract:* Would provide better notice to the public regarding the grounds for administrative actions against HUD–FHA approved mortgagees; specify a range of administrative actions available to the Mortgagee Review Board; and, clarify procedural rights available to mortgagees. No identified costs would be associated with the actions. The alternative of retaining the existing regulation has been considered.

G. *Timetable:* Proposed rule published August 28, 1980 (45 FR 57437). Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: S–4–79. Proceedings Before a Hearing Officer

B. *Contact:* Phillip L. Schulman, Assistant General Counsel, Inspector General and Administrative Proceedings Division, 202–755–5557.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 26.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Would set forth uniform procedures governing debarment and suspension proceedings and administrative actions taken by the Mortgagee Review Board. It would also apply in any other HUD proceedings where a hearing is conducted, except where Part 26 rules are inconsistent with governing statute or regulations. No additional costs arise from these requirements. No alternative approach was considered.

G. *Timetable:* Proposed rule published August 28, 1980 (45 FR 57440). Final rule is in preparation.

H. *Classification:* Nonmajor.

A. Title: H–5–82. Condominium Projects—Mutual Mortgage Insurance and Insured Loans

B. *Contact:* John Coonts, Director, Single Family Development Division, 202–755–6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 234.26.

E. *Legal Authority:* Section 211, National Housing Act, 12 U.S.C. 1709, 1715.

F. *Abstract:* Provides for HUD/FHA mortgage insurance of condominium units in projects that have been approved for loan quaranty by the Administrator of Veterans Affairs. The rule also eliminates the requirement that a conventionally financed project be committed to a plan of condominium ownership at least twelve months prior to the time individual units are eligible

for HUD/FHA mortgage insurance, although it is still required that at least 90 percent of the units be sold and the title conveyed with respect to conventionally financed projects. These changes are needed to facilitate homeowner purchases of condominium properties.

G. *Timetable:* Interim rule published September 18, 1981, (46 FR 46317), effective September 18, 1981. Final rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H-12-82. Schedule A. Low Income Housing; Fair Market Rents for New Construction and Substantial Rehabilitation

B. *Contact:* Steven Silbert, Office of Housing, 202, 426-0283.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 888, Schedule A.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Established a Financing Adjustment Factor for use in amending applicable Fair Market Rents to reflect the extent to which costs for certain categories of a project are affected by increased financing costs.

G. *Timetable:* Interim rule published October 23, 1981 (46 FR 51903), effective November 9, 1981. Revised interim rule published May 25, 1982 (47 FR 22520), effective July 16, 1982.

H. *Classification:* Nonmajor.

A. Title: H-13-82. Cooperative/Condominium Existing Multifamily Structures Demonstration Program

B. *Contact:* Robert W. Wilden, Office of Housing, 202-755-6528.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 221, 234 and 235.

E. *Legal Authority:* Sections 221, 234 and 235 National Housing Act, 12 U.S.C. 1701 *et seq.*

F. *Abstract:* Deleted those portions of 24 CFR Parts 221, 234 and 235 pertaining to the Demonstration Program for existing cooperatives and condominiums.

G. *Timetable:* Interim rule published September 11, 1980 (45 FR 60390), effective October 14, 1980. Final rule expected to be published February 1983.

H. *Classification:* Nonmajor.

A. Title: H-15-82. Annual Contributions for Operating Subsidy, Performance Funding System (CPFS)

B. *Contact:* Beverly Hardy, Office of Housing, 202-755-7970.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 890.105.

E. *Legal Authority:* Section 7(d), Department of HUD Act. 42 U.S.C. 3535(d).

F. *Abstract:* Updated the PFS Weights and formula for determining the operating subsidy.

G. *Timetable:* Interim rule published September 6, 1977 (42 FR 44548), effective September 6, 1977. Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-25-82. Multifamily Mortgage Insurance

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 207.33.

E. *Legal Authority:* Section 308, Housing and Community Development Act of 1980, 12 U.S.C. 1701; as amended by Section 338, Housing and Community Development Amendments of 1981.

F. *Abstract:* Would amend 24 CFR 207.33 to replace the term "mobile home" with the term "manufactured home" and increases the maximum mortgage limit for manufactured home parks insured under Section 207 from $8000 to $9000.

G. *Timetable:* Final rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: H-29-82. Supplementary Financing for Insured Project Mortgages

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 241.

E. *Legal Authority:* Section 241, National Housing Act, 12 U.S.C. 1701.

F. *Abstract:* Would amend Part 241 to require payment of insurance benefits under a defaulted supplementary loan in cash when insurance benefits under the insured mortgage are payable in cash.

G. *Timetable:* Proposed rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H-31-82. Indian Housing

B. *Contact:* Patricia Arnaudo, Deputy Director, Office of Indian Housing, 202, 755-6522.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 805.

E. *Legal Authority:* U.S. Housing Act of 1937, Public Law 93-383, 42 U.S.C. 1437(d).

F. *Abstract:* Would delete excessive Federal requirements and assure that Indian housing activities are undertaken in the most cost-effective manner.

G. *Timetable:* Interim rule expected to be published Spring 1983.

H. *Classification:* Nonmajor.

A. Title: H-33-82. Public Housing Development, Revision of Requirements

B. *Contact:* Raymond W. Hamilton, Director, Public Housing Development Division, 202-426-0938.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 841.

E. *Legal Authority:* U.S. Housing Act of 1937, 42 U.S.C. 1437.

F. *Abstract:* Would prohibit the transfer of existing Public Housing Agency (PHA)-owned city, county or state assisted projects to the public housing program under the U.S. Housing Act of 1937, except with the prior written approval of the Assistant Secretary for Housing. The Department has determined that the transfer of such projects does not contribute to the goals of the Administration in providing additional low-income housing but only provides additional subsidy for projects developed and funded under state law. No additional costs are anticipated since the proposed rule will not result in a change to the existing status of locally assisted projects.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-36-82. Section 8 Housing Assistance Payments Program, Existing Housing

B. *Contact:* Gerald J. Benoit, Director, Existing Housing Division, 202-755-5543.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 882.120.

E. *Legal Authority:* Section 8(c)(1), HCD Act of 1974, as amended, 42 U.S.C. 1937.

F. *Abstract:* Would delete Section 882.120 of the Section 8 Existing Housing Program regulation to eliminate the authority to use higher FMRs for recently completed housing.

G. *Timetable:* Proposed Rule published June 28, 1982, (47 FR 27869). Final rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: H-43-82. Property Improvement Loans—Maximum Mortgage Amounts

B. *Contact:* John L. Brady, Director, Office of Title I Insured Loans, 202-755-6680.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 201, Subpart A.

E. *Legal Authority:* Section 338, Housing and Community Development Amendments of 1981, 42 U.S.C. 5301.

F. *Abstract:* Would implement the maximum loan amounts authorized for property improvement loans.

G. *Timetable:* Final rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: H–48–82. Flexible Subsidy Program

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202–426–8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 219.

E. *Legal Authority:* Sec. 219, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1715j; as amended by Section 201(g), Housing and Community Development Amendments of 1978, Pub. L. 95–551.

F. *Abstract:* Would establish a flexible subsidy loan program for certain limited dividend projects for the correction of physical and cash flow deficiencies.

G. *Timetable:* Interim rule in preparation. (Was listed incorrectly on previous agenda as H–14–80.) Includes: H–64–82. Interim rule published May 21, 1979 (44 FR 29632), effective June 19, 1979.

H. *Classification:* Nonmajor.

A. Title: H–66–82. Mortgage Insurance and Home Improvement Loans; Changes in Maximum Mortgage Amounts

B. *Contact:* John Coonts, Director, Single Family Development Division, 202–755–6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203 and 234.

E. *Legal Authority:* Sections 203(b)(2), 211, and 234(c), National Housing Act, 12 U.S.C. 1603(b)(2), 1709, and 1715(c).

F. *Abstract:* Revised single-family mortgage limits for areas where moderate- and middle-income persons have limited housing opportunities due to high prevailing housing sales prices.

G. *Timetable:* Interim rule published January 7, 1982 (47 FR 916), effective January 7, 1982. Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H–77–82. PHA-Owned Projects—Personnel Policies and Compensation, Certification of Housing Managers

B. *Contact:* Odessa Burroughs, Office of Housing, 202–755–5595.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 867.

E. *Legal Authority:* Section 7(d) of HUD Act, 42 U.S.C. 3535(d); Section 6(c)(4) U.S. Housing Act of 1937, as amended 42 U.S.C. 1437(d); Section 201(b) Housing and Community Development Act of 1974 42 U.S.C. 1437 note.

F. *Abstract:* Would amend regulation with regard to costs of certification under the public Housing Manager Certification Program. The primary effect would be to afford PHAs greater discretion about payment of such costs on behalf of their employees.

G. *Timetable:* Proposed rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H–80–82. Introduction, Land Registration, and Application of Regulations to Existing and Future Filings

B. *Contact:* Fred W. Pfaender, Office of Interstate Land Sales Registration, 202–755–8182.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 1700, 1710 and 1730.

E. *Legal Authority:* Interstate Land Sales Full Disclosure Act of 1968, as amended, Pub. L. 90–448, 15 U.S.C. 1701 *et seq.*

F. *Abstract:* Would amend current regulations to reduce verbiage and a number of exemption and registration requirements for developers in the land sales industry. These proposed changes are part of an overall plan to eliminate unnecessary documentation and duplication and to relieve the industry of the regulatory requirements to the extent practical without any significant detriment to the industry or consumer.

G. *Timetable:* Proposed rule expected to be published January 1983. (Was listed on previous agenda as NVACP–1–80.)

H. *Classification:* Nonmajor.

A. Title: H–84–82. Second Mortgages or Liens on FHA-Insured Mortgages—Escrow Accounts Associated with Interest Buy-Downs

B. *Contact:* John Coonts, Director, Single Family Development Division, 202–755–6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 203.32, 213.520, and 234.55.

E. *Legal Authority:* Section 211, National Housing Act, 12 U.S.C. 1709, 1715.

F. *Abstract:* Would reverse current prohibition against the use of insured mortgages on properties with secondary mortgages or liens. These amendments also provide for the recapture of funds placed into escrow accounts to reduce the mortgagor's monthly payments to principal and interest in the early years of the mortgage. No alternatives are being considered. No potential costs have been identified. Potential benefits include greater homeownership opportunities for homebuyers, allowing sellers to recapture funds used to buy down interest rates and increased use of buy down which would allow more families to qualify for mortgages.

G. *Timetable:* Interim rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: H–85–82. Growing Equity Mortgages

B. *Contact:* John Coonts, Director, Single Family Development Division, 202–755–6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 203.47.

E. *Legal Authority:* Section 245, National Housing Act; Section 308, Housing and Community Development Act of 1974, Pub. L. 93–383, 12 U.S.C. 1715z–10.

F. *Abstract:* Would increase the availability of homeownership financing, by insuring growing equity mortgages. The principal advantage of this type of financing is that its shorter term and more rapid principal reduction should encourage increased investment in residential mortgages. Policy choices included the manner of establishing the annual increase (index of fixed amount) and the size of such an increase if a fixed amount. No potential costs have been identified.

G. *Timetable:* Interim rule expected to be published February 1983.

H. *Classification:* Nonmajor.

A. Title: H–87–82. Assurance of Completion Bonds

B. *Contact:* Linda D. Cheatham, Office of Housing, 202–755–6868.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 205, 207, 213, 221, 232, 241, 242, 244.

E. *Legal Authority:* Section 211, National Housing Act, as amended, 12 U.S.C. 1715b.

F. *Abstract:* Would amend 24 CFR Parts 205, 207, 213, 221, 232, 241, 242 and 244 governing assurance of completion in land developments, proposed construction or rehabilitation of multifamily projects to provide that where assurance shall be by corporate surety bonds for payment and performance, each bond shall be in the amount of 100% of the cost of construction, as estimated by the Commissioner.

G. *Timetable:* Proposed rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: H–90–82. Property Improvement and Mobile Home Programs—Approval of Lending Institutions

B. *Contact:* Constance Harbaugh, Mortgagee Approval Officer, Office of Lender Certification, 202–426–3976.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 201.

E. *Legal Authority:* Section 2, National Housing Act, as amended, 12 U.S.C. 1703.

F. *Abstract:* Would set out the requirements for the granting of contracts of credit insurance pursuant to the provisions of Section 2 of the National Housing Act.

G. *Timetable:* Proposed rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H-93-82. Eligibility of Mortgages Involving a Dwelling Unit in a Cooperative Housing Development

B. *Contact:* John C. Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 203.43c.

E. *Legal Authority:* Section 203(n), National Housing Act, Pub. L. 73-479, 12 U.S.C. 1709.

F. *Abstract:* Would relax some restrictions which have unnecessarily inhibited activity under the program. The rule would delete the requirement that corporation waiver the right of first refusal and it would eliminate the limitation of the mortgage term on an individual share to the term remaining on the blanket mortgage. No alternatives are being considered and no potential costs have been identified.

G. *Timetable:* Proposed rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H-94-82. Revision to Graduated Mortgage Program

B. *Contact:* John J. Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 203.46, 234.76.

E. *Legal Authority:* Section 7(d), Department of Housing and Urban Development Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would remove existing restrictions on maximum mortgage amounts and eligible properties for the Section 245(b) Graduated Payment Mortgage Program. This would permit increased use of this program. No alternatives are being considered. Although there may be a slightly higher expected claim rate for this program than the 203(b), the benefit of increasing the supply of affordable housing for middle-income families outweighs its potential costs.

G. *Timetable:* Interim rule expected to be published November 15, 1982.

H. *Classification:* Nonmajor.

A. Title: H-96-82. Multifamily Mortgage Insurance

B. *Contact:* Joseph E. Malloy, Office of Housing, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 207, 213, 220, 221, 232, 241, 242 and 244.

E. *Legal Authority:* National Housing Act, as amended 12 U.S.C. 1713, 1715d, 1715k, 1715l, 1715z-6, 1715z-7, and 1752-9.

F. *Abstract:* Would amend mortgage insurance regulations to require payment of fees for rehabilitation feasibility processing and for reprocessing of outstanding commitments after appropriate extensions.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-98-82. Section 8 Housing Assistance Payments Program, State Housing Agencies

B. *Contact:* Cherie Charles, Office of Housing, 202-426-0730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 883.207(c).

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would prohibit State Agencies from transferring Fiscal Year 1982 and subsequent year State Agency funding authority after initial assignment of such authority to a certain project. This will establish greater Federal Control over the spending of State Agency funds.

G. *Timetable:* Interim rule published August 2, 1982 (47 FR 33263), effective September 20, 1982. Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-102-82. Section 8 Housing Assistance Payments Program, Fair Market Rent Schedules, Existing Housing

B. *Contact:* Gerald J. Benoit, Director, Existing Housing Division, 202-755-5433.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 888.

E. *Legal Authority:* Section 8(c)(1), Housing and Community Development Act of 1974, P.L. 93-383, as amended 42 U.S.C. 1437.

F. *Abstract:* Would change the method of establishing the Fair Market Rents and would amend the FMR schedules at 24 CFR Part 888 to issue the 1983 annual revision of the FMRs for the Section 8 Existing Housing and Moderate Rehabilitation Program.

G. *Timetable:* Proposed rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H-104-82. Use of Materials Bulletin No. 381—HUD Building Product Standards and Certification Program for the Grademarking of Lumber

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 48i (UM 38i). UM.38i accepts recently listed agencies for the grademarking of lumber and finger jointed lumber.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-105-82. Use of Materials Bulletin No. 85—HUD Building Product Standards and Certification Program for Poly (Vinyl Chloride) Plastic Windows

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 85 85). (UM 85 accepts recently published product standards for poly (vinyl chloride) plastic windows. In addition, it would provide for a certification program for these products.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-106-82. Use of Materials Bulletin No. 86—HUD Building Product Standards and Certification Program for EPDM Roofing Members

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929

C. *Small Entity Impact:* Likely.

D. *CFR Citation:* 24 CFR Part 200.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 86 (UM 86). UM 86 accepts recently published product standards for EPDM roofing membrane. In addition, it would provide for a certification program for these products.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-114-82. Section 8 Housing Assistance Payments Program-Financing Adjustment for Fair Market Rents

B. *Contact:* Steven Silvert, Office of Housing, 202-426-7113

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 888.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Amends the financing adjustment rules for calculating Fair Market Rents.

G. *Timetable:* Interim rule published May 25, 1982. (47 FR 22520), effective July 16, 1982.

H. *Classification:* Nonmajor.

A. Title: H-117-82. Prohibited Lease Terms

B. *Contact:* James J. Tahash, Office of Housing, 202-426-8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 215, 221 and 236.

E. *Legal Authority:* Section 202(b)(g), Housing and Community Developments

Amendments of 1978, 12 U.S.C. 1715z–1b(b)(3); Section 7(d) Department of Housing and Urban Development Act 42 U.S.C. 3535(d).

F. *Abstract:* Defines certain lease provisions which are prohibited from use in certain HUD subsidized multifamily housing programs.

G. *Timeable:* Interim Rule published July 23, 1982 (47 FR 31868), effective September 10, 1982. Final Rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H–124–82. Intergovernmental Review of Federal Programs

B. *Contact:* Dr. June Koch, Deputy Under Secretary for Intergovernmental Relations, 202–755–6480.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 52.

E. *Legal Authority:* E.O. 12372 (47 FR 30959) July 16, 1982.

F. *Abstract:* Would revise Part 52 to revoke regulations implementing OMB Circular A–95. Would implement a new federal policy of consultation and cooperation with State and local governments in so far as that policy relates to the Department's financial assistance programs.

G. *Timetable:* Proposed rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H–125–82. Section 8—Housing Assistance Payments Program-Existing Housing

B. *Contact:* Gerald J. Benoit, Existing Housing Division, 202–755–5433.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 882.124.

E. *Legal Authority:* Section 8, U.S. Housing Act of 1937, 42 U.S.C. 1437f.

F. *Abstract:* Would amend Part 882 to permit targeting of Section 8—Existing Housing Certificates of Participation to eligible tenants in properties being rehabilitated under the Department's Rental Rehabilitation Program Demonstration.

G. *Timeable:* Proposed rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H–4–81. Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds

B. *Contact:* Robert J. Coyle, Program Analyst, 202–755–6454.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 891.

E. *Legal Authority:* Section 213, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1439; Section 5(c), U.S. Housing Act of 1937, as amended by Section 321(c), Housing and Community Development Act of 1981, Pub. L. 97–35.

F. *Abstract:* Revises 24 CFR 891 to include a more explicit description of the process to be followed by HUD field offices in allocating and reallocating funds, including procedures for consultation with local governments; elimination of the areawide housing opportunity plan as a formal part of the allocation process; and changes in the criteria for local government and HUD review of applications for assisted housing.

G. *Timeable:* Proposed rule published December 15, 1980 (45 FR 82273). Interim rule published June 3, 1982 (47 FR 24120), effective July 26, 1982. Final rule expected to be published October 1982. Includes: CPD–42–81 and CPD–43–81 Rulemaking for the Areawide Housing Opportunity Program has been assumed by the Office of Housing.

H. *Classification:* Nonmajor.

A. Title: H–5–81. Implementation of Section 235 to Require Recapture Provisions

B. *Contact:* Richard Buchheit, Director, Single Family Servicing Division, 202–755–6672.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 235.

E. *Legal Authority:* Section 206, Housing and Community Development Amendments of 1980, Pub. L. 96–399, 12 U.S.C. 1715z.

F. *Abstract:* Amends 24 CFR Part 235 to require that the Department be reimbursed for either the amount of actual assistance provided on behalf of eligible mortgagors or an amount based upon 50 percent of the net appreciation of the property, whichever is less.

G. *Timetable:* Interim rule publish May 27, 1981 (46 FR 28401), effective May 27, 1981. Final rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: H–7–81. Increase in Section 235 Maximum Mortgage Amounts

B. *Contact:* John Coonts, Director, Single Family Development Division, 202–755–6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 235.25.

E. *Legal Authority:* Section 211, National Housing Act, 12 U.S.C. 1709, 1715; Sections 206 and 207, Housing & Community Development Act of 1980.

F. *Abstract:* Amends 24 CFR Part 235 to provide Section 235 mortgage insurance and assistance payments for families whose incomes are higher than those authorized under the original Section 235 program but who are still priced out of the housing market.

G. *Timetable:* Interim rule published June 1, 1981 (46 FR 29259), effective July 13, 1981. Final rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H–9–81. Change in Provisions and Characteristics of Debentures

B. *Contact:* Linda F. Milner, Systems Accountant, 202–755–5747.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200.

E. *Legal Authority:* Section 2, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1701 *et seq.*

F. *Abstract:*

Problem: To eliminate the denominational HUD debenture.

Alternative: Replace the denominations HUD debenture with a "book-entry" automated system.

Savings: This change will permit faster, less expensive processing with no adverse impact on the transferability of the debenture and to eliminate many of the security measures now required for handling and storage of debentures.

G. *Timetable:* Proposed rule published March 3, 1980 (45 FR 13779). Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H–13–81. Disposition of General Contractor's Holdback

B. Contact: Linda D. Cheatham, Office of Housing, 202–755–8686.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 207.26a.

E. *Legal Authority:* Section 207, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1713.

F. *Abstract:* Would delete 24 CFR 207.26a providing for the holdback of certain general contractor's funds.

G. *Timetable:* Final rule, expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H–15–81. Disposition of General Contractor's Holdback

B. *Contact:* Linda D. Cheatham, Office of Housing, 202–755–8686.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 548a.

E. *Legal Authority:* Sections 207, 213, 220, 221, 231, 232, 234, 236, 241, and 242, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713, 1715d, 171K, 1715L, 1715V, 1715w, 1715y, 1715z—1, 6, & 7.

F. *Abstract:* Would delete 24 CFR 221.548a providing for the holdback of certain general contractor's funds.

G. *Timetable:* Final rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H–16–81. Yield Insurance

B. *Contact:* Joseph E. Malloy, Office of Housing, 202–755–7172

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 238.

E. *Legal Authority:* Sections 712, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1747K.

F. *Abstract:* Would delete 238 concerning insurance in connection with investments made under Title VII of the National Housing Act.

Objective: To remove regulations for programs which have never been utilized.

G. *Timetable:* Final rule expected to be published December, 1982.

H. *Classification:* Nonmajor.

A. Title: H-20-81. Emergency Homeowners' Relief Program, Appendices

B. *Contact:* Nancy S. Chisholm, Office of Housing, 202-426-0751

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 2700.

E. *Legal Authority:* Sections 7(d), Department of HUD Act, Pub. L. 89-174, 12 U.S.C. 3535(d).

F. *Abstract:* Would delete Appendices I, II, III, IV, V, VII and VIII of 24 CFR Part 2700, Subpart F to remove unnecessary forms.

G. *Timetable:* Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-22-81 Use of Material Bulletin No. 73a—HUD Building Product Standards and Certification Program for Plastic Plumbing Fixtures

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Appendix.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 73a (UM 73a). UM 73a accepts recently published standards for plastic plumbing fixtures. In addition, would provide for a certification program for these products.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-23-81. Use of Materials Bulletin No. 84—HUD Building Product Standards and Certification Program for Solid Fuel Type Room Heaters and Fireplace Stoves

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Appendix.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 84 (UM 84). UM 84 accepts recently published product standards for solid fuel type room heaters and fireplace stoves. In addition, would provide a certification program for these products.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-24-81. Issue Date of Debentures

B. *Contact:* Linda F. Milner, Systems Accountant, 202-755-5747.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203, 204, 207, 213, 220, 221 and 232.

E. *Legal Authority:* Sections 203 and 211, National Housing Act, Pub. L. 73-479, as amended, 12 U.S.C. 1701, 1709, 1710, 1713 and 1715.

F. *Abstract:*

Problem: Reduce the number of issue and maturity dates for debentures from 365 to 12 annually.

Alternative: It has been suggested originally that HUD change the debenture issues dates to twice a year to correspond with the semiannual payments of debenture interest. This, however, was thought to be too restrictive on the mortgagees.

Benefit: This change, if approved, will enable the Treasury Department to include the HUD debentures in an automated book-entry system. This will not only save money for the Department but Treasury as well.

G. *Timetable:* Proposed rule published May 12, 1982 (47 FR 20318). Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-26-81. Interest Charge on Late Premium Payments

B. *Contact:* Richard Braun, Systems Accountant, 202-755-5747.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 201, 207, 220 and 232.

E. *Legal Authority:* Claims Collection Act, Pub. L. 89-508, 31 U.S.C. 952; Sections 201, 207, 220 and 232, National Housing Act, Pub. L. 73-479, as amended, 12 U.S.C. 1707, 1709, 1710, 1713, 1715k and 1715w.

F. *Abstract:*

Problem: Mortgagees do not pay mortgage insurance premium on a timely basis and 4% late charge currently being levied has not proved to be an adequate incentive.

Alternatives: Mortgage Insurance Premium Collection Specialists Present 4% late charge.

Benefit: The primary purpose of this change is to increase the premium collections due the Department.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-36-81. Section 8—Housing Assistance Payments Program, Fair Market Rent Schedules, Existing Housing

B. *Contact:* Gerald J. Benoit, Director, Existing Housing Division, 202-755-5433.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 888.

E. *Legal Authority:* Section 8(c)(1), Housing and Community Development of 1974, Pub. L. 93-383, as amended, 42 U.S.C. 1437.

F. *Abstract:* Would amend the Fair Market Rent (FMRs) schedules at 24 CFR Part 888 to issue the 1982 annual revision of the FMRs for the Section 8 Existing Housing and Moderate Rehabilitation Programs.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-38-81. Section 8 Housing Assistance Payments Program—Moderate Rehabilitation

B. *Contact:* Louise Kleffner, Director, Moderate Rehabilitation Division, 202-755-5597.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 882.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 95-557.

F. *Abstract:* Simplifies and reduces program requirements for local PHAs and participating owners, provides greater local flexibility and implements provision of the HCD Amendments of 1981.

G. *Timetable:* Interim rule published August 9, 1982 (47 FR 34376), effective September 28, 1982. Final rule expected to be published June 1983. Includes: Interim rule published November 9, 1979 (44 FR 65061), effective October 10, 1979.

H. *Classification:* Nonmajor.

A. Title: H-43-81. Method of Computing Interest on Defaulted Notes

B. *Contact:* John L. Brady, Director, Office of Title I Insured Loans, 202-755-6680.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Subpart R.

E. *Legal Authority:* Federal Claims Collection Act of 1966, as amended, 31 U.S.C. 95 *et. seq.*

F. *Abstract:* This rule will amend the procedures under which payments received on defaulted notes will be applied. The proposed procedures will require the use of the "US Rule" which will result in applying payments first to interest and then to principal. The present rule permits the application of payments to principal and then to interest which reduces the return on investment to the Department.

G. *Timetable:* Proposed rule published February 17, 1982 (47 FR 6893). Final rule expected to be published February, 1983.

H. *Classification:* Major.

A. Title: H–44–81. Mutual Mortgage Insurance and Insured Home Improvement Loans

B. *Contact:* John J. Coonts, Office of Housing, 202–755–6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203, 213, 220, 221, 234, 235 and 240.

E. Legal Authority: Housing and Community development amendments of 1980, Pub. L. 96–399, 12 U.S.C. 1703, 1709 and 1715.

F. *Abstract:* Would make miscellaneous changes to 1) allow a mortgage limit increase of up to 10 percent in the Section 235 program to make dwellings accessible to the physically handicapped, 2) allow title insurance relief for communities meeting conditions involving claims filed by American Indian tribes, 3) remove all references to "remaining economic life", 4) change the definition of "mortgage" and 5) expand the Section 220 program.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H–47–81. Urban Renewal Mortgage Insurance and Insured Improvement Loans

B. *Contact:* Joseph E. Malloy, Office of Housing, 202–755–7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 220.

E. *Legal Authority:* Sec. 311, Housing & Community Development Act of 1980, Pub. L. 96–399, 12 U.S.C. 1715k.

F. *Abstract:* Would amend Part 220 to make eligible for mortgage insurance properties located, or to be located, in areas designated by the Secretary where concentrated housing, physical development and public service activities are being carried out in a coordinated manner, pursuant to a locally developed strategy for neighborhood improvements.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H–48–81. Mortgage Insurance Programs Under National Housing Act—Energy Conservation

B. *Contact:* Joseph E. Malloy, Office of Housing, 202–755–7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 207, 213, 220, 221, 231, 232, 234, 242 and 244.

E. *Legal Authority:* Section 310, Housing and Community Development Act of 1980, Pub. L. 96–399, 12 U.S.C. 1713, 1715.

F. *Abstract:* Would amend Parts 207, 213, 220, 221, 231, 232, 234, 242 and 244 to allow up to a 20% increase in maximum project mortgage amounts to cover increased costs due to the installation of a solar energy system or residential energy conservation measures.

G. *Timetable:* Final rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H–51–81. Issue Date of Debentures

B. *Contact:* Richard B. Buchheit, Director, Single Family Servicing Division, 202–755–6672.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 203.410.

E. *Legal Authority:* Section 204(d) and 211, National Housing Act, Pub. L. 72–479, as amended, 12 U.S.C. 1701 *et seq.*

F. *Abstract:* Would change the methods by which debenture interest is computed when a property is conveyed to the Secretary in exchange for insurance benefits.

G. *Timetable:* Proposed rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H–53–81. Amendments to Section 223(f) Coinsurance for Private Mortgage Lenders

B. *Contact:* Arnold H. Diamond, Director, Office of Financial Management, 202–426–4325.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 255.

E. *Legal Authority:* Section 244, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1715z(9).

F. *Abstract:* Would broaden lender eligibility to include mortgage bankers, provide for a GNMA guaranteed securities program, change the premium sharing formula, permit lenders to reinsure their risk exposure, and make miscellaneous technical corrections.

G. *Timetable:* Interim rule published March 31, 1982 (47 FR 13517), effective May 17, 1982. Final rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H–57–81. Property Improvement and Mobile Home Loans

B. *Contact:* John L. Brady, Director, Office of Title I Insured Loans, 202–755–6680.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 201.

E. *Legal Authority:* Section 2 National Housing Act, 12 U.S.C. 1701.

F. *Abstract:* Would amend and revised Part 201 in accordance with the Department's deregulation efforts. Would reduce the regulations by approximately twenty-five percent and clarify the remaining.

G. *Timetable:* Review completed. Proposed rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: H–58–81. Mutual Mortgage Insurance and Insured Home Improvement Loans

B. *Contact:* John J. Coonts, Office of Housing, 202–755–6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 200, 201, 202 and 203.

E. *Legal Authority:* Section 211 National Housing Act, 12 U.S.C. 1715; Section 7(d), Department of Housing and Urban Development Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Would increase the effectiveness and efficiency of the Department's basic Single Family Housing programs through the elimination of unnecessary regulations, the streamlining of processing procedures and the simplification of the remaining requirements. Potential benefits include increased efficiency and effectiveness of program requirements.

G. *Timetable:* Review completed. Proposed rule expected to be published February 1983.

H. *Classification:* Nonmajor.

A. Title: H–67–81. Section 8 Housing Assistance Payments Program State Housing Agencies

B. *Contact:* Cherie Charles, Office of Housing, 202–426–0730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 883.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* This part contains the policies and procedures applicable to those statewide or special purpose housing agencies established by the various states to administer the Section 8 New Construction, Substantial Rehabilitation, Existing Housing and Moderate Rehabilitation programs. The comprehensive final Rule revising this regulation implements 1981 Housing and Community Development Act provisions, federal deregulation goals, and recent changes in Departmental administrative policies.

G. *Timetable:* Review completed. Proposed rule expected to be published January 1983. Includes: H–37–82. Interim rule published January 30, 1982. (45 FR 6886), effective February 29, 1980. Partial final rule published August 22, 1980 (45 FR 56324), effective September 29, 1980.

H. *Classification:* Nonmajor.

A. Title: H–74–81. Low-Rent Housing Homeownership Opportunities (Turnkey III); Indian Housing; and Public Housing Development Phase; Maximum Limit on Total Development Cost

B. *Contact:* J. R. VanNess, Office of Housing, 202–755–4956.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 804, 805 and 841.

E. *Legal Authority:* U.S. Housing Act of 1937, 42 U.S.C. 1437; Section 7(c),

Department of HUD Act, 42 U.S.C. 3523(b).

F. *Abstract:* Would establish a maximum limit on the Total Development Cost (TDC) of low-income public housing and Indian housing projects developed under the United States Housing Act of 1937 exclusive of Section 8.

G. *Timetable:* Proposed rule published September 18, 1980 (45 FR 6249). Final rule published September 8, 1982.

H. *Classification:* Nonmajor.

A. Title: H-1-80. Use of Materials Bulletin No. 39a—HUD Building Product Standards and Certification Program for Aluminum Windows

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 98-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 39a (UM 39a). UM 39a accepts recently published product standards for aluminum windows. In addition, would provide for a certification program for these products.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-4-80. Use of Materials Bulletin No. 82—HUD Building Product Standards and Certification Program for Sealed Insulated Glass Units

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 5353(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 72 (UM 82). UM 82 accepts recently published standards for sealed insulated glass units. In addition, would provide for a certification program for these products.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-6-80. Supplement to Minimum Property Standards for Solar Heating and Domestic Hot Water Systems

B. *Contact:* Constantine Spyropoulos, Office of Housing, 202-755-6590.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Subpart S.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Updates obsolete references in MPS 4930.2 and reflects current changes in solar heating.

G. *Timetable:* Interim rule published August 17, 1982 (47 FR 35760), effective October 5, 1982. Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-8-80. Modification of the Graduated Payment Mortgage Program

B. *Contact:* John C. Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203 and 234.

E. *Legal Authority:* Section 311, Housing and Community Development Amendments of 1979, Pub. L. 96-153, as amended, 12 U.S.C. 1715z-10(b).

F. *Abstract:* Provides for an alternative graduated payment mortgage with a lower cash down payment than under the existing program. This provision should make homeownership available to a broader segment of the population.

G. *Timetable:* Interim rule published May 30, 1980 (45 FR 36840), effective June 30, 1980. Final rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H-28-80. Coinsurance Program

B. *Contact:* John C. Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 204.

E. *Legal Authority:* Sections 211 and 244, National Housing Act, 12 U.S.C. 1701 et. seq.

F. *Abstract:* Would revise the single family coinsurance requirements to adopt a recently proposed rule and to incorporate certain public comments received in response to that proposal. This revision: (1) extends coverage to include mortgages on condomiums and non-occupant owner transactions; (2) replaces the stop-loss provision with a hold-harmless provision intended to protect the secondary market against failure of lenders to pass through insurance benefits paid by HUD; (3) clarifies and simplifies various requirements in light of several year's experience with the program; and (4) permits coinsuring mortgagees to obtain mortgage insurance to cover the risk of their 10 percent exposure.

G. *Timetable:* Proposed rule published November 25, 1980 (46 FR 78164). Final rule expected to be published January 1983. Includes: H-59-81. Review completed.

H. *Classification:* Nonmajor.

A. Title: H-9-79. Mortgage Insurance for One-to-Four-Family Residences—Prepayment Privileges

B. *Contact:* Richard Buchheit, Director, Single Family Servicing Division, 202-755-6672.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 203.

E. *Legal Authority:* Section 211, National Housing Act, Pub. L. 73-479, 12 U.S.C. 1715b; Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would provide that insured single family mortgages will no longer require 30 days advance notice of prepayment or payment on interest date.

G. *Timetable:* Interim rule expected to be published January, 1983.

H. *Classification:* Nonmajor.

A. Title: H-19-79. Mortgage Insurance for One-to-Four Family Residences—Adjustment for Fire Damage

B. *Contact:* Richard Bucheit, Director, Single Family Servicing Division, 202-755-6672.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 203.

E. *Legal Authority:* Section 211, National Housing Act, Pub. L. 73-479, as amended, 12 U.S.C. 1715b; Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Allows conveyance or assignment of fire damaged property when the fire insurance policy has been terminated (or renewal refused) and the mortgagee has been unable to obtain adequate insurance to protect its investment.

G. *Timetable:* Interim rule published August 26, 1980 (45 FR 56800), effective September 22, 1980. Final rule expected April 1983.

H. *Classification:* Nonmajor.

A. Title: H-33-79. Use of Material Bulletin No. 78a, Polyethylene (PE), Acrylonitrile-Butadiene-Styrene (ABS), Poly Vinyl Chloride (PVC), and Polybutylene (PB) Piping for Domestic Cold Water Service.

B. *Contact:* Richard H. Kolodin, Office of Housing, 202-755-5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Subpart S.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174 42 U.S.C. 3535(d).

F. *Abstract:* UM 79 originally outlined the requirements and conditions for HUD field office acceptance of a number of plastic piping materials for use in domestic water service, (from water main to house) and included references covering polybutylene piping. UM 79 identified national standard references for plastic piping which are normally

used in residential construction for domestic cold water service. This revision will add two PB references that were inadvertently omitted from UM 78.

G. *Timetable:* Proposed rule published September 3, 1980 (45 FR 58374). Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-34-79. Use of Material Bulletin No. 59a—HUD Building Product Standards Certification Program for Wood Windows

B. *Contact:* Leslie Breden, Office of Housing, 202–755–5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 59b (UM 59b). UM 59b accepts recently published product standards for wood windows. In addition, would provide for a certification program for these products.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-38-79. Flexible Amortization Periods on Single Family Mortgages

B. *Contact:* John Coonts, Director, Single Family Development Division, 202–755–6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203, 213, 221, 227, 234 and 235.

E. *Legal Authority:* Section 203, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1709.

F. *Abstract:* Accommodates bonding and other types of financing which do not fit into current amortization periods. No alternatives are being considered. No potential costs have been identified. Potential benefits include increased homeownership opportunities for homebuyers and increased flexibility for mortgage lenders and investors.

G. *Timetable:* Interim rule published May 2, 1980 (45 FR 29277), effective June 2, 1980. Final rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: H-55-79. Low-Income Public Housing—Homeownership Opportunities Turnkey III Program 24 CFR Part 804, Subpart B

B. *Contact:* Joyce M. Roberson, Housing Management Officer, Project Manager Division, 202–472–4703.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 804.

E. *Legal Authority:* U.S. Housing Act of 1937, Public Law 75–412, as amended, 42 U.S.C. 1437 *et seq.*

F. *Abstract:* Would amend 24 CFR Part 804 relating to management and operations of Turnkey III Programs and add a new section governing the financing of homeowner purchase of Turnkey III units. Amendments should increase sale of homeownership units to homebuyers and would clarify certain technical program procedures which have been obstacles to program implementation.

G. *Timetable:* Proposed rule was published December 28, 1978 (43 FR 60830). Interim rule in preparation.

H. *Classification:* Nonmajor. Included: H–17–81. Separate final rule no longer in preparation. H–18–71. Separate final rule no longer in preparation. H–19–81. Separate final rule no longer in preparation. H–71–81. Review completed.

A. Title: H-67-79. Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors

B. *Contact:* Geral J. Benoit, Director, Existing Housing Division, 202–755–5433.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 888.

E. *Legal Authority:* Section 8(2)(A), U.S. Housing Act of 1937, Pub. L. 74–412, 42 U.S.C. 1437, as amended by Housing and Community Development Act of 1974, Pub. L. 93–313.

F. *Abstract:* Amended Part 888 to permit publication of revised annual adjustment factors used in Section 8 Housing Assistance, by Notice in the **Federal Register.**

G. *Timetable:* Interim rule published December 20, 1979 (44 FR 75383), effective February 11, 1980. Final rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: H-1-78. Mortgage Insurance—Occupancy of Property

B. *Contact:* Freemen Grote, Director, Single Family Property Disposition Division, 202–755–5740.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 203.670 through 203.683.

E. *Legal Authority:* Section 207, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713.

F. *Abstract:* Prescribes revised criteria for determining when HUD will accept conveyance of one-to-four-family properties by mortgagees with tenants or former mortgagors in occupancy. This revision attempts to take into account the public comments on, and HUD's own experience under, the existing rule in achieving the objective of limiting occupied conveyance to where it is in HUD's interest while at the same time ensuring due process to occupants.

G. *Timetable:* Proposed rule published April 20, 1979 (44 FR 23800). Interim rule published September 10, 1980 (45 FR 59561), effective November 10, 1980. Final expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-60-78. Definition of Family and Other Related Terms, Occupancy by Single Persons

B. *Contact:* Priscilla S. Banks, Office of Housing, 202–426–0744.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 812.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437; as amended by Section 206(c), Housing and Community Amendments of 1978, Pub. L. 95–557.

F. *Abstract:* Would amend 24 CFR Part 812 to increase the limitation on the percentage of public housing and Section 8 units under the jurisdiction of a public housing agency, that may be occupied by single, non-elderly persons, from 10 to 15 percent.

G. *Timetable:* Proposed rule published March 3, 1980 (45 FR 13780). Final rule published August 31, 1982 (47 FR 38282), effective October 7, 1982.

H. *Classification:* Nonmajor.

A. Title: H-64-78. Mortgagee Approval—Eligibility Requirements

B. *Contact:* Andrew Zirneklis, Mortgagee Review Board Officer, 202–426–3976.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203, 207 and 211.

E. *Legal Authority:* National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1709, 1713 and 1715.

F. *Abstract:* Amended Part 203 to simplify and reorganize mortgagee approval requirements for the establishment of branch offices by mortgagees, amend financial requirements for mortgagees having branch offices, and move Section 203.7, relating to the withdrawal of mortgagee approval to Part 25.

G. *Timetable:* Interim rule published July 30, 1980 (45 FR 50560), effective September 10, 1980. Final rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H-71-78. Standards for Design, Construction and Alteration of Publicly-Owned Residential Structures

B. *Contact:* John E. Bonkoski, Environmental Clearance Officer for Housing, 202–755–6740.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 40.

E. *Legal Authority:* Architectural Barriers Act of 1968, Pub. L. 90–480, 42 U.S.C. 4151 *et seq.*

F. *Abstract:* Prescribes standards for the design, construction, and alteration

of publicly-owned residential structures to insure that physically handicapped persons will have ready access to, and use of, such structures

G. *Timetable:* Proposed rule published February 21, 1979 (44 FR 10586). Revised proposed rule in preparation. Includes: H–56–81. Review completed.

H. *Classification:* Nonmajor.

A. Title: CPD–2–82. Comprehensive Planning Assistance

B. *Contact:* Richard J. Alexander, Office of Planning, 202–755–6186.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 600.

E. *Legal Authority:* Section 701, Housing Act of 1954, as amended, 42 U.S.C. 5301 *et seq.*

F. *Abstract:* Amends 24 CFR Part 600 to remove Subparts A through D and F. These subparts are obsolete since grants can no longer be made. Section 313(b) of the Housing and Community Development Amendments of 1981 terminates the program as of October 1, 1981.

G. *Timetable:* Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: CPD–15–82. The Small Cities Program Performance Reporting Requirements

B. *Contact:* Elaine Braverman, Program Officer, Office of Community Planning and Development, 202–755–6322.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.906.

E. *Legal Authority:* Housing and Community Development Act of 1974, as amended, Pub. L. 93–383.

F. *Abstract:* The 1981 Amendments give States the option of administering the CDBG Program for nonentitlement areas. Where States choose not to administer, HUD will administer the Small Cities Program.

The amendments alter requirements for performance reporting and timing of submission of reports for recipients. This rule will explain those requirements for recipients under the HUD-administered program from FY 1982 funds, as well as for grantees funded prior to FY '82 whose programs are continuing.

G. *Timetable:* Interim rule expected to be published May 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–4–81. Provision of Replacement Housing Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Appendices I and II

B. *Contact:* Harold J. Huecker, Office of Urban Rehabilitation and Community Reinvestment, 202–744–6336.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 43.

E. *Legal Authority:* Section 206(a), Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 42 U.S.C. 4627.

F. *Abstract:* Would revise HUD's policies and procedures in Part 43 for simplification and deregulation.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: CPD–5–81. Renewal Assistance

B. *Contact:* Thomas H. Terrell, Office of Urban Rehabilitation and Community Reinvestment, 202–755–6330.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 500.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would amend policies and procedures for management and close-out of the remaining Urban Renewal projects.

G. *Timetable:* Final rule expected to be published March, 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–14–81. Siting of HUD Assisted Projects in Locations with Normally Unacceptable or Unacceptable Air Quality

B. *Contact:* Antoinette G. Sebastian, Office of Environment and Energy, 202–755–6580.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 51, Subpart E.

E. *Legal Authority:* Section 2 Housing Act of 1949, 42 U.S.C. 1441; Section 2, Housing and Urban Development Act of 1969, 42 U.S.C. 1441(a); Section 7(d), HUD Act of 1965, 42 U.S.C. 3535(d); Clean Air Act Amendments, 42 U.S.C. 1857.

F. *Abstract:* Rule would establish criteria and standards for site selection of HUD assisted projects with regard to air quality to assure occupants of such projects, particularly the more vulnerable, e.g., the elderly and children, are not constantly exposed to unacceptable concentrations of air pollution. Alternatives: have no regulation, or prepare and issue informal guidance. Costs: principal cost would involve mitigation measures which may include project redesign or building alterations. Benefits: assure that people in HUD-supported projects are not exposed to health risks due to unacceptable air quality.

G. *Timetable:* Proposed rule in preparation. ANPR published October 2, 1980 (45 FR 65258).

H. *Classification:* Nonmajor.

A. Title: CPD–22–81. CDBG Secretary's Fund: Urgent Needs and inequities

B. *Contact:* Leroy Gonnella, Director Secretary's Fund Division, Community Planning and Development, 202–755–6090.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.401 and 570.408.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 42 U.S.C. 5301 et. seq.; Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Would eliminate these regulations because they are obsolete. Provision was made for an orderly transition from the former categorical programs to the CDBG program. The units of general local government participating in the CDBG program no longer need the transition provision.

G. *Timetable:* Final rule in preparation. Includes review completed of CPD–34–81.

H. *Classification:* Nonmajor.

A. Title: CPD–37–81. Categorical Program Settlement Fund

B. *Contact:* Thomas H. Terrell, Office of Urban Rehabilitation and Community Reinvestment, 202–755–6330.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.480.

E. *Legal Authority:* Title I, Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301 et. seq.

F. *Abstract:* Funding authorization has rescinded. (Supplemental Appropriations and Rescission Act of 1980).

G. *Timetable:* Review completed. Final rule of withdrawal expected to be published June 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–39–81. Grant Administration Requirements for Lump Sum Drawdown of CDGB Funds for Property Rehabilitation Financing

B. *Contact:* Leonard J. Czarniecki, Rehabilitation Program Specialist, 202–755–5887.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.513.

E. *Legal Authority:* Section 104(g), Housing and Community Development Act of 1974, as amended, Pub. L. 93–383, 42 U.S.C. 5301c.

F. *Abstract:* Rule will preclude new lump sum drawdown agreements that only provide minimal interest earnings (e.g. lump sum deposits where the sole benefit gained from the private sector lendor is interest earned at passbook savings rate). Also, advance HUD review of agreements will be eliminated in accordance with the 1981 Act. The proposed policy to prescribe payment of

higher interest rates plus an additional benefit (e.g. provision of administrative services) will: (a) improve quality of new agreements and benefits received by recipients; and (b) reduce the number of agreements in jurisdictions where private lenders are unwilling to provide adequate benefits.

G. *Timetable:* Review completed. Interim rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: CPD–41–81. Urban Homesteading

B. *Contact:* Craig Nickerson, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, 202–755–5973.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 590.

E. *Legal Authority:* Section 810, Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301 et. seq.

F. *Abstract:* Rule would reduce to the extent consistent with statutory objective, requirements applicable to localities participating in the Urban Homesteading Program. The changes reflect the Department's deregulation goals under Executive Order 12291. Changes include: the elimination of references to Section 312 Loan Program due to that program's uncertain future; elimination of references to energy requirements since they are now locally imposed; simplification of the application process; deletion of references to A–95 review in accordance with the elimination of the statutory requirements for A–95 review in connection with the related CDGB program.

G. *Timetable:* Review completed. Proposed rule expected to be published October 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–2–79. Community Development Block Grants; Grant Closeouts

B. *Contact:* Thomas H. Terrell, Deputy Director, Program Completion Division, Office of Urban Rehabilitation and Community Reinvestment, 202–755–6330.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.512.

E. *Legal Authority:* Section 113 Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301 et. seq.

F. *Abstract:* The regulation provides the closeout requirements for CPD Programs and reflects the latest changes in Attachment P of OMB Circular A–102. These procedures will provide a consistent system for certification that the program has been completed in accordance with applicable Federal laws and regulations.

G. *Timetable:* Interim Rule published October 26, 1979 (44 FR 61591), effective November 16, 1979.

Final rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: CPD–16–79, Urban Renewal Provisions

B. *Contact:* Thomas H. Terrell, Office of Urban Rehabilitation and Community Reinvestment, 202–755–6330.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 570, Subpart N.

E. *Legal Authority:* Housing & Community Development Act of 1974, as amended Pub. L. 93–383; and Sec. 7(d), Department of HUD Act 42 U.S.C. 3535(d).

F. *Abstract:* Provisions for 1) the use of funds for the completion of urban renewal projects and neighborhood development programs, 2) deductions authorized to be made from such funds for repayment of temporary loans outstanding, and 3) procedures for financial settlement of projects.

G. *Timetable:* Review completed. Final rule expected to be published June, 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–20–79. Siting of HUD Assisted Projects in Designated Clear Zones and Accident Potential Zones At Civil Airports and Military Airfields

B. *Contact:* Gretchen Van Hyning, Office of Community Planning and Development, 202–755–6580.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 51, Subpart D.

E. *Legal Authority:* Section 2, Housing Act of 1949, 42 U.S.C. 1441; Section 2, Housing and Urban Development Act of 1969, 42 U.S.C. 1441(a); Section 7(d), HUD Act of 1965, 42 U.S.C. 3535(d); General Services Administration, Federal Management Circular 75–2: Compatible Land Uses at Federal Airfields.

F. *Abstract:* The rule adds a new Subpart D to 24 CFR Part 51. It will clarify and expand current HUD policy governing properties exposed to unusual hazards; promote compatible land use around airports and airfields; and strengthen HUD policy that is supportive of existing Department of Defense and Federal Aviation Administration policies and programs. This rule has been developed because it was determined that our existing policies related to noise and hazards did not provide sufficient guidance to ensure that HUD funds were not used to support projects in these areas. The intended effect of the regulation is to discourage incompatible development in these areas. Alternatives: have no regulation and rely on existing guidance. Costs: some lands would be unsuitable for development, however, this is small. Benefits: assure that people in HUD-supported projects are not located in a hazardous area and protection of the Federal and local financial investments in airports and airfields.

G. *Timetable:* Proposed rule published December 18, 1980 (45 FR 83261). Final rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–25–79. Urban Homesteading

B. *Contact:* Craig S. Nickerson, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, 202–755–5973.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 590.

E. *Legal Authority:* Section 810, Housing and Community Development Act of 1974, Pub. L. 93–383, 12 U.S.C. 1706e.

F. *Abstract:* Permits reimbursement to the Secretary of Agriculture and the Administrator of Veterans Affairs for properties whose value is in excess of previous limits if (1) the additional cost to the Government is warranted by the expected benefit to the community and (2) the anticipated reductions in difficulties and delays in the disposition of the property can be assumed to be equal to the difficulties and delays that the Secretary of HUD would typically expect to encounter with respect to a similar HUD-owned property in the same location.

G. *Timetable:* Interim rule published August 7, 1980 (45 FR 52762), effective September 15, 1980. Revised interim rule published August 2, 1982 (47 FR 33258), effective September 20, 1982. Final rule to be prepared following consideration of public comments.

H. *Classification:* Nonmajor.

A. Title: CPD–39–78. CDBG, Discretionary Grants from Secretary's Fund in Behalf of New Communities

B. *Contact:* Liza Bowles, Office of Housing, 202–755–8909

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 570.403.

E. *Legal Authority:* Title I, Housing and Community Development Act of 1974, 42 U.S.C. 5301, et seq.; Title I, Housing and Community Development Act of 1977.

F. *Abstract:* Revises 24 CFR 510.403, which governs grants in behalf of new communities from the Secretary's Discretionary Fund, to provide new selection criteria, new citizen participation requirements, a new

application submission cycle and a new compliance requirement.

G. *Timetable:* Interim rule published December 28, 1978 (43 FR 60744), effective December 28, 1978. As a result of review completed on CPD–29–81, no further action is to be taken until all active projects are closed out.

H. *Classification:* Nonmajor.

A. Title: ADM–1–82. Administrative Claims; Collection of Claims by the Government under the Federal Claims Collection Act of 1966; Standards for Collection of Claims.

B. *Contact:* Barrie S. Minor, Office of Finance and Accounting, 202–724–1535.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 17.32(e).

E. *Legal Authority:* Sec. 3, Federal Claims Collection Act of 1966, 31 U.S.C. 952.

F. *Abstract:* Currently, 24 CFR 17.32(e) states that interest shall be assessed at 7 percent. However, HUD rates are supposed to correspond to the quarterly rate established by the Treasury Department. the alternatives being considered are to keep the rate at 7 percent or to change the language to reference the Treasury rate. The first choice is not a viable one, in that it costs the Government money. The second choice will generate more income on the claims collected and should increase the number of claims collected. The only costs are to those owing money to the Government.

G. *Timetable:* Interim rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: ADM–2–82. Organization, Function, and Delegations of Authority Subpart C—Secretary's Delegations of Authority to Heads of Offices

B. *Contact:* Linda F. Milner, Office of Finance and Accounting, 202–755–5256.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 3, Subpart C.

E. *Legal Authority:* Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all the obsolete references. Neither one will have any significant costs; each will require a minimal amount of staff time and **Federal Register** publication costs. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

G. *Timetable:* Final rule expected to be published February 1983.

H. *Classification:* Nonmajor.

A. Title: ADM–3–82. HUD Procurement Regulations re: The Office of Small and Disadvantaged Business Utilization

B. *Contact:* Craig E. Durkin, Office of Procurement and Contracts, 202–755–5294.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 41 CFR, Chapter 24.

E. *Legal Authority:* Amendments to Small business Act of 1958, Public Law 95–507, 15 U.S.C. 687.

F. *Abstract:* This rule proposes to amend the HUD Procurement Regulations to incorporate the role of the Office of Small and Disadvantaged Business Utilization (OSDBU) and its role with other HUD elements as it relates to the procurement process.

This is a strictly technical rule without any major policy alternatives. The choices are to make the technical change or to not make the change. The second choice is not feasible.

The benefit of the rule will be to incorporate (and therefore clarify) OSDBU's role in the procurement process.

G. *Timetable:* Proposed rule expected to be published January, 1983.

H. *Classification:* Nonmajor.

A. Title: ADM–4–82. Implementation of the Privacy Act of 1974

B. *Contact:* Robert English. Privacy Act Officer, 202–755–5320.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 16.

E. *Legal Authority:* Privacy Act of 1974, 5 U.S.C. 552a(j)(2); Sec. 7(d) Dept. of HUD Act, 42 U.S.C. 3535(d)

F. *Abstract:* This rule exempts HUD's "Investigation Files," a system of records maintained by the Department's Office of Inspector General, form compliance with the applicable provisions of the Privacy Act. Because the "Investigation Files" pertain principally to the enforcement of criminal laws, this system of records may be exempted from certain provisions of the Privacy Act under the general exemption authority of the Privacy Act.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

Title: IG–1–82 A. Availability of Information to the Public, Establishment of Office of Inspector General

B. *Contact:* Phillip L. Schulman, Assistant General Counsel, Office of General Counsel.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 2002.

E. *Legal Authority:* Freedom of Information Act, 5 U.S.C. 552; sec. 7(d), Dept of HUD Act as amended, 42 U.S.C. 3535(d); Delegation of Authority published at 46 FR 2389 on Jan. 9, 1981.

F. *Abstract:* The rule concerns the procedures for requesting information from the filed of the Office of Inspector General pursuant to the Freedom of Information Act.

G. *Timetable:* Final rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: 1G–2–82. Production in Response to Subpoenas or Demands of Courts or other Authorities, Establishment of Office of Inspector General

B. *Contact:* Phillip L. Schulman, Assistant General Counsel, Office of General Counsel, 202–755–5557.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 2004.

E. *Legal Authority:* Inspector General Act of 1978 (5 U.S.C. app.); sec. 7(d), Dept. of Housing and Urban Development Act as amended (42 U.S.C. 3535(D)); Delegation of Authority published at 46 FR 2389 on Jan 9. 1981.

F. *Abstract:* The rule concerns the practices and procedures pertaining to the production of documents or the disclosure of testimony in response to demands of courts or other authorities.

G. *Timetable:* Final rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: 1G–1–81. Organization, Functions and Delegations of Authority Establishment of Office of Inspector General

B. *Contact:* Phillip L. Schulman, Assistant General Counsel, Office of General Counsel, 202–755–5557.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 2000.

E. *Legal Authority:* Inspector General Act of 1978 (5 U.S.C. app.); sec. 7(d)), Dept. of Housing and Urban Development Act as amended (42 U.S.C. 3535(d)); Delegation of Authority published as 46 FR 2389 on Jan. 9, 1981.

F. *Abstract:* The rule concerns the organization, functions and authority of the Office of Inspector General of HUD.

G. *Timetable:* Final rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: FH&EO–1–82. Procedures for Enforcement of Complaints Against Discriminatory Housing Practices

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement and Section 3 Compliance, 202–755–5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 105.

E. *Legal Authority:* Section 810, Title VIII, Civil Rights Act of 1968, as amended, 42 USC 3601–3619.

F. *Abstract:* This regulation sets forth procedures carrying out the Department's responsibilities with respect to complaints file under Section

810 Title VIII of the Civil Rights Act of 1968, as amended.

G. *Timetable:* Proposed rule expected to be published March 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO-4-82. Fair Housing Assistance Program—Eligibility Criteria and Funding Standards

B. *Contact:* Steven J. Sacks, Director, Federal, State and Local Programs Division, 202-426-3500.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 111.

E. *Legal Authority:* Sec. 816, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 et seq.

F. *Abstract:* This regulation was finalized on March 3, 1982. We have reviewed this existing regulation and anticipate making revisions based on program experience. The proposed amendment will continue to set forth the eligibility criteria for participants in the Fair Housing Assistance Program and the minimum standards which specific project proposals must meet in order to qualify for consideration under the various components of the program.

G. *Timetable:* Review completed. Proposed rule expected to be published February, 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO-5-82. Recognition of Substantially Equivalent Laws

B. *Contact:* Steven J. Sacks, Director, Federal, State and Local Programs Division, 202-426-3500

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 115.

E. *Legal Authority:* Sec. 816, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 et seq.

F. *Abstract:* This proposed rule will publish additional jurisdictions that meet the criteria for substantial equivalency recognition.

G. *Timetable:* Proposed rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: FH&EO-2-81. Community Housing Resource Board Grant Program

B. *Contact:* Nathaniel Smith, Director, Housing and Community Development Division, 202-755-5992.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 120.

E. *Legal Authority:* Title VIII, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 et seq.

F. *Abstract:* This part sets forth the rules governing the disbursement of funds to Community Housing Resources Boards to carry out activities that enhance the effectiveness of goals of the Voluntary Affirmative Marketing Agreement Program. The final rule is in preparation. There are no problems anticipated and no additional costs contemplated.

G. *Timetable:* Interim rule published March 25, 1982 (47 FR 12926), effective May 12, 1982. Final rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: FH&EO-2-78. Fair Housing Against Discrimination-Financing Activities

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement, 202-755-5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 114, Subpart G.

E. *Legal Authority:* Title VIII, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 *et seq.*

F. *Abstract:* Would add a new Subpart G detailing HUD's standards and policies in assessing unlawful conduct relating to the financing of dwellings.

G. *Timetable:* ANPR published February 25, 1980 (45 FR 12265). Proposed rule expected to be published March 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO-5-78. Fair Housing—Prohibitions Against Discrimination

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement, 202-755-5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 114, Subparts A-F.

E. *Legal Authority:* Title VIII, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 *et seq.*

F. *Abstract:* Would add subparts A-F detailing HUD's general standards to be utilized by HUD in its investigation and conciliation of complaints filed pursuant to the Federal Fair Housing Statute.

G. *Timetable:* Proposed rule expected to be published March 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO-8-78. Fair Housing—Prohibited Appraisal Practices

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement, 202-755-5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 114, Subpart I.

E. *Legal Authority:* Title VIII, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 *et seq.*

F. *Abstract:* Would add subpart I detailing HUD's general standards and policies regarding complaints against appraisal practices.

G. *Timetable:* ANPR published February 25, 1980 (45 FR 12265). Proposed rule expected to be published March 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO-10-78. Fair Housing—Property Insurance Activities

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement, 202-755-5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 114, Subparts H.

E. *Legal Authority:* Title VIII, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 *et seq.*

F. *Abstract:* Would add a new subpart H detailing HUD's general standards to be utilized by HUD concerning property insurance practices which could constitute discriminatory activities.

G. *Timetable:* ANPR published February 25, 1980 (45 FR 12265). Proposed rule expected to be published March 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO-11-78. Affirmative Administration of Federal Programs and Activities Relating to Housing and Urban Development

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement, 202-755-5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 125.

E. *Legal Authority:* Title VIII, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 *et seq.;* Executive Order 12259.

F. *Abstract:* Would add a new Part 125 detailing HUD's standards and policies to assure that HUD's programs and activities are administered in a manner affirmatively to further fair housing.

G. *Timetable:* ANPR published February 25, 1980 (45 FR 12265). Proposed rule expected to be published March 1983.

H. *Classification:* Nonmajor.

Rules Under Review

A. Title: S-1-82. Rulemaking: Policy and Procedures

B. *Contact:* Grady J. Norris, Assistant General Counsel for Regulations, 202-755-7055.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 10.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* General rulemaking procedures for the issuance, amendment, or repeal of rules.

G. *Timetable:* Under review.

H. *Classification:* Nonmajor.

A. Title: S-2-79. Standards of Conduct

B. *Contact:* David D. White, Assistant General Counsel for Administrations Law, 202-755-7137.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part O.

E. *Legal Authority:* E.O. 11222, May 8, 1965; 5 U.S.C. 301.

F. *Abstract:* Prescribes standards of conduct for HUD employees.

G. *Timetable:* Under review.

H. *Classification:* Nonmajor.

A. Title: S–3–81. Federal National Mortgage Association (FNMA)

B. *Contact:* John A. Maxim, Associate General Counsel for Insured Housing and Finance, Office of General Counsel, 202–755–6274.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 81.

E. *Legal Authority:* Federal National Mortgage Association Charter Act, Pub. L. 73–479, 12 U.S.C. 1723a.

F. *Abstract:* Provisions governing (1) the definition of terms related to the functions of the Federal National Mortgage Association (FNMA), (2) the operations of FNMA, (3) applicable reporting requirements, (4) examination and audits of FNMA, and (5) book-entry procedures for FNMA securities.

G. *Timetable:* Under review.

H. *Classification:* Nonmajor.

A. Title: H–3–82.

B. *Contact:* John Opitz, Office of General Counsel, 202–755–7184.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 3282, Subpart I.

E. *Legal Authority:* National Manufactured Housing Construction and Safety Standards Act of 1974, Pub. L. 93–383, 42 USC 5401 *et seq.*

F. *Abstract:* Would permit manufactured home manufacturers to file requests for alternative construction methods with the Secretary in limited circumstances. The rule would also allow manufacturers to build homes which, though not in technical compliance with the standards contained in 24 CFR 3280, meet the same level of quality, durability, and safety as required by the standards. This measure facilitates the use of innovative construction methods or technology and allows the Department to refrain from taking enforcement action based on failures to conform with the standards created during the employment of these innovative approaches.

G. *Timetable:* Proposed Rule published August 7, 1981 (46 FR 40496). A determination whether to issue a final rule is still under review. (Was listed on previous agenda as NVACP–2–81.)

H. *Classification:* Nonmajor.

A. Title: H–4–82. Manufactured Home Procedural and Enforcement Regulations, Formal Investigations and Adjudicative Hearings

B. *Contact:* Jeffrey Hammond, Office of General Counsel, 202–755–7184.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 3282, Subpart D.

E. *Legal Authority:* Manufactured Home Construction and Safety Standards Act of 1974, as amended, Pub. L. 93–383, 42 USC 5401 *et seq.* Department of HUD Act, 42 U.S.C. 3501 *et seq.*

F. *Abstract:* Would provide for uniform and fair proceedings with sufficient detail so that the parties involved are adequately informed of the procedures to be followed.

G. *Timetable:* Proposed rule published December 21, 1979 (44 FR 76176). Final rule published December 16, 1980 (45 FR–82854) and withdrawn. Revised final rule in preparation. (Was listed on previous agenda as NVACP–3–79.)

H. *Classification:* Nonmajor.

A. Title: H–8–82. Low Cost and Moderate Insurance, Existing Multifamily Housing Demonstration

B. *Contact:* Michael A. Stegman, Office of Housing, 202–755–5561.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 221.5460b.

E. *Legal Authority:* Title V, Housing and Urban Development Act of 1970, 12 U.S.C. 1701z–1; Section 223(f), National Housing Act, 12 U.S.C. 1701.

F. *Abstract:* Allowed the conducting of a demonstration to develop and test new and improved mechanisms for the purchase and/or refinancing of existing multifamily housing projects.

G. *Timetable:* Interim rule published May 14, 1980 (45 FR 31896), effective June 13, 1980. Final rule development suspended pending policy decision regarding continuation of demonstration.

H. *Classification:* Nonmajor.

A. Title: H–11–82. Project Management: Modernization of Oil-Fired Heating Plants

B. *Contact:* Charles Ashmore, Office of Housing, 202–755–6640.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 865, Subpart E.

E. *Legal Authority:* Section 6, S.S. Housing Act of 1937, 42 U.S.C. 1437d; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Added a new Subpart E to implement a set-aside of $25,000,000 in loan authority from the FY 1980 Modernization Program to modernize oil-fired heating plants in Public Housing Agency-owned project.

G. *Timetable:* Interim rule published June 23, 1980 (45 FR 41936), effective July 31, 1980. Final rule development suspended pending termination of funding allocation.

H. *Classification:* Nonmajor.

A. Title: H–19–82. Property Improvement and Mobile Home Loans—High Cost Area Limits

B. *Contact:* John L. Brady, Director, Office of Title I Insured Loans, 202–655–6680.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 201, Subpart D.

E. *Legal Authority:* Section 338, Housing and Community Development Amendments of 1981, 42 U.S.C. 5301.

F. *Abstract:* Would permit higher maximum loan amounts in certain geographical areas that have designated high cost areas. The basis for determining these areas was predicated on land costs extracted from 203(b) data.

G. *Timetable:* Proposed rule published June 28, 1982 (47 FR 27867). A Final Rule may not be published based on proposed legislation that will alleviate the controversy surrounding the designation of high cost areas.

H. *Classification:* Nonmajor.

A. Title: H–38–82. Annual Contributions for Operating Subsidy Performance Funding System.

B. *Contact:* J. Milton Slifkin, Fiscal Management Division, Office of Public Housing, 202–426–1872.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 890.103 and 890.105.

E. *Legal Authority:* U.S. Housing Act of 1937, Pub. L. 89–174, as amended, 42 U.S.C. 1437 et seq.: Section 7(d), Department of HUD Act, 42 U.S.C. Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Changes the method by which the inflation factor used each fiscal year to update the Allowable Expense Level is developed to reflect inflationary increases in PHA non-utility, non-wage expenses. In addition, the rule enables a PHA to apply a one-time retrospective adjustment to compensate for the inadequacy of the inflaction factor used in the PFS since Federal Fiscal Year 1977.

G. *Timetable:* Interim rule published August 26, 1982 (47 FR 37378), effective August 26, 1983. Final rule expected to be published April, 1983.

H. *Classification:* Nonmajor.

A. Title: H–47–82. Manufactured Home Procedural and Enforcement Regulations

B. *Contact:* Tobias A. Gottesman, Office of Housing, 202–755–6584.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 3282.

E. *Legal Authority:* Manufactured Home Construction and Safety Standards Act of 1974 as amended Pub. L. 98–383, 42 U.S.C. 5401 et seq.

F. *Abstract:* Provided for every state to have a period of five years within

which to obtain full approval of its State Plan for participation as a State Administrative Agency (SAA) in the Federal Manufactured Housing Construction and Safety Standards Program.

G. *Timetable:* Interim Rule published February 9, 1982 (47 FR 5887), effective February 9, 1982. Final rule in preparation. (Was listed on previous agenda as NVACP–8–78.)

H. *Classification:* Nonmajor.

A. Title: H–53–82 Amendments to the Procedural and Enforcement Regulations

B. *Contact:* Tobias A. Gottesman, Chief, State and Consumer Liaison Branch, 202–755–6584.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 3282.

E. *Legal Authority:* National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, Pub. L. 93–383.

F. *Abstract:* Portions of the procedural and enforcement regulations, based on six years experience in administering the program, need to be clarified. In addition, several issues have arisen which the existing regulations do not adequately address.

Thus, it is projected that a redrafting of Subparts A, F, G and I of the Procedural and Enforcement Regulations to clarify issues or to more precisely present or interpret HUD policy on various issues be accomplished. No significant cost impacts are anticipated.

G. *Timetable:* Proposed rule expected to be published August, 1983.

H. *Classification:* Nonmajor.

A. Title: H–73–82. Update of standards incorporated by Reference into the Manufactured Home Construction and Safety Standards

B. *Contact:* Richard Mendlen, Office of Housing, 202–755–5798.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* Undesignated.

E. *Legal Authority:* National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401 *et seq.*

F. *Abstract:* Would update the editions of material incorporated by reference into the Federal Manufactured Home Construction and Safety Standards (Standards). Would also make the reference material consistent with the latest publications of Standards setting organizations, and thus meet the availability requirement for approval set by the Director of the Federal Register.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H–75–82. Section 8 Housing Assistance Payments Program—Existing Housing

B. *Contact:* Gerald J. Benoit, Director, Existing Housing Division, 202–755–5433.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 882.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437.

F. *Abstract:* Would clarify procedures for selecting applicants and for determining the appropriate unit size for a family; would also give an applicant who is denied housing assistance, or certificate holder whose assistance is reduced or terminated, a reasonable opportunity to request an informal hearing.

G. *Timetable:* Proposed rule published July 26, 1982 (47 FR 36169). Final rule expected to be published February, 1983.

H. *Classification:* Nonmajor.

A. Title: H–82–82. Applicability of Minimum Property Standards Manufactured Homes under Title II of the National Housing Act

B. *Contact:* John Coonts, Director, Single Family Development Division, 202–755–6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200.925 and 200.926.

E. *Legal Authority:* National Housing Act, as amended, 12 U.S.C. 1701 *et seq.*

F. *Abstract:* Would insure financing of properties with manufactured homes under Title 11 of the National Housing Act, as a means to broaden affordable home ownership opportunities. To qualify for such financing, the manufactured homes, foundations and sites must meet prescribed standards to insure adequate security for HUD–insured mortgages. By such action homeowners can expect reduced housing cost without sacrificing housing quality or durability

G. *Timetable:* Proposed rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H–91–82. Manufactured Home Loan Program

B. *Contact:* John L. Brady, Director, Office of Title 1 Insured Loans, 202–755–6680.

C. *Small Entity Impact:* Likely.

D. *CFR Citation:* CFR Part 201, Subpart B.

E. *Legal Authority:* Section 2 National Housing Act.

F. *Abstract:* Based on the findings of the Inspector General's report on the Department's Manufactured Housing Loan Program several revisions to the program are under consideration. The specific revisions are directed to a general strengthening of the program to alleviate or reduce the possibility of fraud.

G. *Timetable:* Under review. Proposed rule expected to be published January, 1983.

H. *Classification:* Nonmajor.

A. Title: H–92–82. Mobile Home Loan Secondary Market—Manufactured Home Loan Program—Maximum Interest Rate—Points and Discounts

B. *Contact:* John L. Brady, Director, Office of Title D, 202–755–6680

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 201, Subparts B and D.

E. *Legal Authority:* Section 2, National Housing Act, 12 U.S.C. 1701 et seq.

F. *Abstract:* Would permit the sale of Title I Manufactured (Mobile) Home Loans to secondary markets other than GNMA. Presently the prohibition against collecting discount points precludes the selling of loans if the market for those loans is less than par. The removal of this prohibition will open other financial markets which will provide competition and reduce financing costs.

G. *Timetable:* Proposed rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: H–95–82. Deficiency Judgements-Single Family HUD/FHA-Insured Mortgages

B. *Contact:* Richard Buchheit, Director, Single Family Servicing Division, 202–755–6672

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 203.351(a)(4) and 203.360.

E. *Legal Authority:* Section 204(a), National Housing Act, 12 U.S.C. 1701 et seq.

F. *Abstract:* Would require HUD approved mortgagees to obtain deficiency judgements applicable to state law and HUD procedures on any single family HUD/FHA Insurance Mortgage.

G. *Timetable:* Proposed rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H–99–82. Housing for the Elderly or Handicapped

B. *Contact:* Robert W. Wilden, Office of Housing, 202–755–6538

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 885.

E. *Legal Authority:* Housing Act of 1959, Public Law 86–372, 12 U.S.C. 1701q.

F. *Abstract:* Review of 24 CFR Part 885 with a view toward simplification of the program.

G. *Timetable:* Under review. Proposed rule expected to be published June 1983.

H. *Classification:* Nonmajor.

A. Title: H–101–82. Indian Public Housing Program

B. *Contact:* Patricia Arnaudo, Acting Director, Office of Indian Programs, 202–755–6522

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 805.

E. *Legal Authority:* U.S. Housing Act of 1937, 42 U.S.C. 1437 et seq.

F. *Abstract:* Except for statutory requirements, the deregulation of all Indian Housing regulations is under consideration. This will lower the cost and improve the delivery of public housing to Indian people.

G. *Timetable:* Under review.

H. *Classification:* Nonmajor.

A. Title: H–103–82. Public Housing Development, Revision of Requirements

B. *Contact:* Raymond W. Hamilton, Director, Public Housing Development Division, 202–426–0938

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 841.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d); U.S. Housing Act of 1937, 42 U.S.C. 1437.

F. *Abstract:* Would require Headquarter's approval for all public housing projects proposed to have dwelling construction and equipment costs in excess of 100 percent of the project prototype cost limits. This rule is intended to result in reduced costs to the Government as well as Public Housing Agencies developing such projects.

G. *Timetable:* Proposed rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H–108–82. Amendments to Procedural and Enforcement Regulations

B. *Contact:* John Mason, Enforcement Officer, Office of Housing, 202–755–6920.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 3282.

E. *Legal Authority:* National Manufactured Housing Construction and Safety Standards Act of 1974, Pub. L. 93–383, 42 U.S.C. 5424.

F. *Abstract:* Would eliminate requirement for inspection agencies to maintain file of Data Plates. Would allow Design Approval Agencies to approve own designs and thereby eliminate paperwork and reduce cost of design approval, and clarify conditions for removing labels from damaged homes.

G. *Timetable:* Proposed rule expected to be published August 1983.

H. *Classification:* Nonmajor.

A. Title: H–109–82. Annual Contributions for Operating subsidy—Performance Funding System

B. *Contact:* J. Milton Slifkin, Fiscal Management Division, Office of Public Housing, 202–426–1872.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 890.102, 890.108 and 890.109.

E. *Legal Authority:* U.S. Housing Act of 1937, Pub. L. 89–174, as amended, 42 U.S.C. 1437 et seq.; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Would require a recalculation of Operating Subsidy for units withheld from occupancy by the PHA for reasons that are not approved by HUD.

G. *Timetable:* Proposed rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: H–110–82. Annual Contributions for Operating Subsidy—Performance Funding System

B. *Contact:* Joanne Millican, Fiscal Management Division, Office of Public Housing, 202–426–1872.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 890.105 and 890.110.

E. *Legal Authority:* U.S. Housing Act of 1937, Pub. L. 89–174, as amended, 42 U.S.C. 1437 et seq.; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Would revise the sections on HUD-initiated adjustments to operating subsidy to clarify HUD's original intent to permit upward adjustments where such adjustments are warranted. The rule currently states that HUD may make only downward adjustments based on certain circumstances. One section would be republished to include wording inadvertently omitted in the original text of the regulation.

G. *Timetable:* Final rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: H–111–82. Annual Contributions for Operating Subsidy—Performance Funding System

B. *Contact:* J. Milton Slifkin, Fiscal Management Division, Office of Public Housing, 202–426–1872.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 890.102 and 890.107.

E. *Legal Authority:* U.S. Housing Act of 1937, Pub. L. 89–174, as amended, 42 U.S.C. 1437, et seq.; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Would reinstate the Rolling Base to capture the allowable Utilities Consumption Level utilized in the PFS calculation of the Utilities Expense Level. This system will reflect changes in consumption patterns brought about through conservation measures in the past or future. The Fixed Base System now in use does not reflect these changes.

G. *Timetable:* Interim rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: H–21–81. Property Improvement Loans and Loan Security

B. *Contact:* John L. Brady, Director, Office of Title I Insured Loans, 202–755–6680.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 201, Subpart A.

E. *Legal Authority:* Sec. 2, National Housing Act, 12 U.S.C. 1703.

F. *Abstract:* Would reduce the loan amount on which security is required from $7,500 to $2,500. Would also enhance the collectibility of the loans as they will be exempt from bankruptcy and may provide the lender or HUD another collection tool for recovering the debt.

G. *Timetable:* Proposed rule published April 6, 1982 (42 FR 14712). Final rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H–33–81. Providing Information, Mortgagee's Responsibility

B. *Contact:* Richard B. Buchheit, Office of Housing, 202–755–8680.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 235.

E. *Legal Authority:* Sections 203, 211 and Section 235, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1709, 1715b and 1715z.

F. *Abstract:* Amends Part 235 to define the mortgagee's responsibility for furnishing in the statement of interest and taxes paid with respect to each mortgage insured under Section 235 a statement of the total Section 235 assistance payments made on a mortgagor's behalf by HUD during the year. Also amends 24 CFR 203.508(c), 235.336 and adds a new 24 CFR 235.1001 to change the maximum time allowed for a mortgagee to furnish each mortgagor with a statement of interest and taxes paid with respect to the mortgage account from sixty days to thirty.

G. *Timetable:* Interim rule published August 3, 1982 (47 FR 33495), effective September 22, 1982. Final rule in preparation.

Includes: H–50–81. Separate proposed rule no longer in preparation.

H. *Classification:* Nonmajor.

A.Title: H–49–81. Section 8 Housing Assistance Payments Program—Existing Housing

B. *Contact:* Gerald J. Benoit, Director, Existing Housing Division, 202–755–5443.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 882.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437(f).

F. *Abstract:* Would clarify procedures for selecting applicants and for determining the appropriate unit size for a family; would also give an applicant who is denied housing assistance, or certificate holder whose assistance is reduced or terminated, a reasonable opportunity to request an informal hearing.

G. *Timetable:* Proposed rule published July 26, 1982 (47 FR 36169). Final rule expected to be published December, 1982.

H. *Classification:* Nonmajor.

A. Title: H–55–81. Cost-Effective Energy Conservation and Effectiveness Standards

B. *Contact:* Kenneth L. Credle, Office of Architecture and Engineering Standards, 202–755–6590.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 39.

E. *Legal Authority:* Section 209, Housing and Community Development Amendments of 1978, 42 U.S.C. 1425(b).

F. *Abstract:* Sets forth cost-effective energy conservation and efficiency standards applicable to HUD programs.

G. *Timetable:* Under review. Includes: Interim rule published May 10, 1979 (44 FR 27618), effective July 9, 1979.

H. *Classification:* Nonmajor.

A. Title: H–70–81. PHA-Owned Public Housing Projects—Demolition of Buildings, Disposition of Real Property and Conversion of Units

B. *Contact:* Richard L. Rivard, Housing Management Officer, 202–755–5595.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 870.

E. *Legal Authority:* Section 7, Department of HUD Act, 42 U.S.C. 3534(d).

F. *Abstract:* Would set forth modified standards and procedures amending the existing Part 870 concerning requests by Public Housing Agencies (PHAs) for HUD authority to demolish buildings, dispose of real property or convert units of PHA-owned low-income public housing projects. Would reflect changes in Departmental policy and the need to be more responsive to local needs. Limited approval authority would be delegated to HUD Field Offices.

G. *Timetable:* Review in progress. Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H–73–81. Annual Contributions for Operating Subsidy—Performance Funding System

B. *Contact:* J. Milton Slifkin, Office of Housing, 202–426–1872.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 890, Subpart A.

E. *Legal Authority:* U.S. Housing Act of 1937, Pub. L. 89–174, as amended, 42 U.S.C. 1437 et seq.; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Section 239B of the Budget Reconciliation Act of 1981 required the Department to review and report to Congress on the administration of the operating subsidy program under Section 9 of the U.S. Housing Act of 1937. 24 CFR Part 890, Subpart A establishes standards and policies for the distribution of operating subsidy. This examination has been completed and a report with suggestions of alternative methods of subsidy distribution has been submitted to Congress.

G. *Timetable:* Rule under review.

H. *Classification:* Nonmajor.

A. Title: H–23–80. Section 8 Housing Assistance Payments Program, Existing Housing

B. *Contact:* Gerald J. Benoit, Director, Existing Housing Division, 202–755–5433.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 882.

E. *Legal Authority:* Section 326(e), Housing and Community Development Amendments of 1981, Pub. L. 97–35; Section 8(d)(1)(B) of the U.S. Housing Act of 1937, 42 U.S.C. 1437(d)(1)(B).

F. *Abstract:* Implements recent statutory changes regarding the lease term and termination of tenancy under the Section 8 Existing Housing Program.

G. *Timetable:* Interim rule published August 3, 1982 (47 FR 33497), effective September 21, 1982. Final rule expected to be published December, 1982.

H. *Classification:* Nonmajor.

A. Title: H–6–79. Section 8 Housing Assistance Program for Disposition of the HUD-Owned Projects

B. *Contact:* Marvin T. Hilman, Director, Multifamily Sales Division, 202–755–7220.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 886, Subpart C.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437; Section 203 Housing and Community Development Amendments of 1979, Pub. L. 96–153, Housing and Community Development Act of 1980, Pub. L. 96–399.

F. *Abstract:* Provides for the use of Section 8 housing assistance in the disposition of HUD–owned projects.

G. *Timetable:* Interim rule published December 6, 1979 (44 FR 70362), effective December 26, 1979. Final rule preparation awaits decision on the future use of Section 8 relating to Property Disposition.

Includes: H–7–79. Interim rule published December 6, 1979 (44 FR 70362), effective December 26, 1979.

H. *Classification:* Nonmajor.

A. Title: H–65–79. Housing for Elderly or Handicapped—Building Components Stored Off-Site

B. *Contact:* Linda D. Cheatham, Office of Housing, 202–755–8686.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 885.

E. *Legal Authority:* Housing Act of 1959, Pub. L. 86–372 as amended, 12 U.S.C. 1701q.

F. *Abstract:* Amends that portion of 24 CFR Part 885 relating to building components stored off site.

G. *Timetable:* Interim rule published May 15, 1980 (45 FR 31990), effective June 9, 1980. Final rule being held pending policy decision.

H. *Classification:* Nonmajor.

A. Title: H–20–78. Insurance of Advances for Off-Site Components

B. *Contact:* Linda D. Cheatham, Office of Housing, 202–426–7113.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 207, 213, 220, 221, 227, 231, 222, 234, 236, 241, 242, 244.

E. *Legal Authority:* Section 207, National Housing Act, Pub. L. 73–479, as amended, 42 U.S.C. 1713.

F. *Abstract:* Amends portions of 24 CFR Parts 207, 213, 220, 221, 227, 231, 232, 234, 236, 241, 242, and 244 relating to insurance of advances for building components stored off site.

G. *Timetable:* Interim rule published February 8, 1979 (44 FR 8194), effective February 27, 1979. Final rule being held pending policy decision.

H. *Classification:* Nonmajor.

A. Title: CPD–9–82. Section 312 Rehabilitation Loan Program-Legislative Amendments

B. *Contact:* Craig S. Nickerson, Office of Urban Rehabilitation, 202–755–5973.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 510.

E. *Legal Authority:* Section 312, U.S. Housing Act of 1964, 42 U.S.C. 1452b.

F. *Abstract:* Implements program changes regarding (1) limitations and conditions on the approval of rehabilitation loans for multifamily properties, (2) priority for low and moderate income applicants, and (3) loan limits on nonresidential properties.

G. *Timetable:* Interim rule published April 11, 1979 (44 FR 21750), effective May 11, 1979. Further rule development contingent on whether program is continued. To be included in CPD–24–78 if developed further.

H. *Classification:* Nonmajor.

A. Title: CPD–14–82. Section 312 Rehabilitation Loan Program

B. *Contact:* Craig S. Nickerson, Office of Urban Rehabilitation, 202–755–5973.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 510.

E. *Legal Authority:* Section 312, U.S. Housing Act of 1964, 42 U.S.C. 1452b.

F. *Abstract:* Redefines when personal liability if required in the case of corporate or partnership borrowers in connection with a Section 312 loan.

G. *Timetable:* Interim rule published September 27, 1979 (44 FR 55562), effective October 17, 1979. Further rule development contingent on whether program is continued. To be included in CPD–24–78 if developed further.

H. *Classification:* Nonmajor.

A. Title: CPD–2–81. Section 312 Rehabilitation Loan Program

B. *Contact:* Craig S. Nickerson, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, 202–755–5973.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 510.

E. *Legal Authority:* Section 312, United States Housing Act of 1964, 42 U.S.C. 1452b; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

F. *Abstract:* This rule would make maximum loan amount changes to the Section 312 Rehabilitation Loan Program.

G. *Timetable:* Final rule published January 15, 1981 (46 FR 3503) and withdrawn. Further rule development contingent on whether program is continued.

H. *Classification:* Nonmajor.

A. Title: CPD–5–79 HUD Procedures for the Protection of Floodplains and Wetlands

B. *Contact:* Walter D. Prybyla, 202–755–7355.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 55.

E. *Legal Authority:* Executive Order 11988 (Floodplain Management). 42 FR 26951; Executive Order 11990 (Protection of Wetlands), 42 FR 26961; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d)

F. *Abstract:* Would amend 24 CFR to add Part 55 to provide (1) policy direction; and (2) procedural requirements for Departmental compliance with Executive Orders 11988 and 11990. The rule would apply to all HUD programs including the Community Development Block Grant Program. It would implement Federal Policy and mandatory provisions of the Executive Orders.

G. *Timetable:* Proposed rule published August 9, 1979 (44 FR 4706). Rule under review.

H. *Classification:* Nonmajor.

A. Title: CPD–6–79. Technical Assistance: Discretionary Awards

B. *Contact:* James F. Selvaggi, Director, Office of Policy Planning, 202–755–6876.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.402.

E. *Legal Authority:* Section 107(b)(4), Title I, Housing and Urban Development Act of 1974, as amended, Pub. L. 93–383.

F. *Abstract:* Would amend 24 CFR 570.402 to update and clarify the priorities for Technical Assistance funding and to clarify application and review procedures for unsolicited proposals.

G. *Timetable:* Proposed rule published June 16, 1980 (45 FR 40954). Final Rule in preparation.

H. *Classification:* Nonmajor.

A. Title: CPD–24–78. Section 312 Rehabilitation Loan Program

B. *Contact:* Craig S. Nickerson, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, 202–755–5973.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 510.

E. *Legal Authority:* Section 312, United States Housing Act of 1964, 42 U.S.C. 1452b; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

F. *Abstract:* This rule would provide comprehensive regulations for the Section 312 Rehabilitation Loan Program.

G. *Timetable:* Proposed rule published April 10, 1980 (45 FR 24808). Final rule published September 10, 1980 (45 FR 59702) and withdrawn. Further rule development contingent on whether program is continued. Will include CPD–9–82 and CPD–14–82 if developed further.

H. *Classification:* Nonmajor.

A. Title: GNMA–9–82. Growing Equity and 10-Year Graduated Payment Mortgage-Backed Securities

B. *Contact:* Warren A. Lasko, Executive Vice President, GNMA, 202–755–5926.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 390.

E. *Legal Authority:* Sections 306(g) and 309(a), National Housing Act, 12 U.S.C. 1721(g), 1723a(a); Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would establish a new Mortgage-Backed Securities Program that provides for the guaranty by GNMA of securities based on and backed by pools of Growing Equity Mortgages (GEM's). GEM loans are single-family mortgages which provide for monthly installments to increase annually for a predetermined term extending up to the full amortization of the loan. Only GEM's that are insured under the National Housing Act or guaranteed under Chapter 37 of Title 38, United States Code, are eligible for inclusion in GNMA pools. This rule would also amend the regulations governing the Graduated Payment Mortgage-Backed Securities Program to make eligible mortgages which provide for deferred payments of principal (and interest) and for monthly installments to increase during up to the first ten years of the mortgages.

Analysis of the rule indicates that it would not have an annual effect on the economy of $100 million or more.

G. *Timetable:* Final rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: FH&EO–2–82. Nondiscrimination and Equal Opportunity Housing Under Executive Order 11063

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement and Section 3 Compliance, 202–755–5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 107.

E. *Legal Authority:* Executive Order 11063, November 20, 1962.

F. *Abstract:* This regulation established compliance and enforcement procedures utilized by the Department in implementing its responsibilities under E.O. 11063. This regulation will be amended to include coverage of sex and religious discrimination in accordance with Executive Order 12259 issued December 31, 1980 and to conform with the Executive Order.

G. *Timetable:* Proposed rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO–3–82. Compliance Procedures for Affirmative Fair Housing Marketing

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement and Section 3 Compliance, 202–755–5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 108.

E. *Legal Authority:* Section 7(d), Dept. Housing & Urban Development Act of 1965, 42 U.S.C. 3535(d).

F. *Abstract:* This regulation establishes procedures for determining whether or not an applicant's actions are in compliance with its approved Affirmative Fair Housing Marketing (AFHM) plan, AFHM regulation (24 CFR 200.600) and AFHM requirements in

Departmental programs. A revision to this regulation will be proposed to reflect changes in the AFHM policies.

G. *Timetable:* Proposed rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO–3–81. Equal Opportunity Policy and Procedures

B. *Contact:* Manuel Crawley, Director, Public Employment Division, 202–755–7110.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 7.

E. *Legal Authority:* Executive Order 11478, August 8, 1969.

F. *Abstract:* A review of this rule, which sets forth the responsibilities of the Director and Deputy Director of Equal Employment Opportunity and other Department officers and employees in carrying out the Equal Employment Opportunity Program, is currently under way to see if it should be rescinded. EEOC regulations at 29 CFR 1613 offer extensive guidance on all aspects of the program.

G. *Timetable:* Under review. A final decision on whether to revise or revoke this rule will be made in FY 83.

H. *Classification:* Nonmajor.

A. Title: FH&EO–4–81. Employment Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects

B. *Contact:* Turner Russell, Office of Fair Housing Enforcement and Section 3 Compliance, 202–755–5992.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 135.

E. *Legal Authority:* Sec. 3, Housing and Urban Development Act of 1968, 12 U.S.C. 1701u; Sec. 7(d), Dept. of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* This regulation implements the provisions of Section 3 of the Housing and Urban Development Act of 1968 with respect to opportunities for training and employment for lower income residents arising in connection with HUD assisted projects and for contracting opportunities for business concerns located in or owned in substantial part by persons residing in the area of HUD assisted projects.

G. *Timetable:* Under review.

H. *Classification:* Nonmajor.

Rules Completed or Withdrawn

A. Title: S–2–82. 24 CFR Part 81. Federal National Mortgage Association (FNMA)—Maximum Debt-to-Capital Ratio

B. *Contact:* Eleanor Roberts Lewis, 202–755–6270.

C. *Federal Register Citation and Date of Final Action:* July 23, 1982 (47 FR 31866), effective September 10, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Permits the Department to change FNMA's maximum debt-to-capital ratio from time to time by means of a notice published in the **Federal Register.**

A. Title: S–1–81. 24 CFR Part 15. Production or Disclosure of Material or Information

B. *Contact:* David D. White, 202–755–7137.

C. *Federal Register Citation and Date of Final Action:* April 26, 1982 (47 FR 17810), effective May 26, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Amends fee schedule for Freedom of Information Act requests and authorized review by the General Counsel of refusal to waive or reduce a fee.

A. Title: S–4–81. 24 CFR Part 81. Federal National Mortgage Association (FNMA), Definition of "Mortgage Loan"

B. *Contact:* John A. Maxim, 202–755–6274.

C. *Federal Register Citation and Date of Final Action:* February 5, 1982 (47 FR 5410), effective March 18, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Revised the definition of "Mortgage loan" to allow FNMA to submit for the Secretary's approval conventional loan programs involving the purchase of second mortgages.

A. Title: H–1–82. 24 CFR Part 3282. Manufactured Home Procedural and Enforcement Regulations

B. *Contact:* James McCollom, 202–755–5210.

C. *Federal Register Citation and Date of Final Action:* September 17, 1981 (47 FR 46126). Effective October 23, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Reduced temporarily the monitoring inspection fee from $19.00 to $15.00 per unit inspected. The reduction applied only to homes manufactured between April 1, 1981 and December 31, 1981. Further extension of the reduction was published August 2, 1982 (47 FR 33264), effective September 20, 1982, retroactive to January 1, 1982.

A. Title: H–2–82. 24 CFR Parts 3280, 3282 and 3283. Federal Manufactured Home Construction and Safety Standards, Name Change

B. *Contact:* James McCollom, 202–755–5210.

C. *Federal Register Citation and Date of Final Action:* June 29, 1982 (47 FR 28091), effective August 11, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Definition of "manufactured home" and "recreational vehicle" revised.

A. Title: H–6–82. 24 CFR Part 888. Fair Market Rents for New Construction and Substantial Rehabilitation for Arkansas Market Areas

B. *Contact:* Edward M. Winiarski, 202–755–5743.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 30, 1981 (46 FR 47772), effective November 16, 1981.

D. *Reason for Completion:* Included in final rule listed as H–35–81.

E. *Brief Abstract:* Revised the schedules of Section 8 Fair Market Rents applicable to new construction and substantial rehabilitation for the Fayetteville, Fort Smith, Jonesboro, Little Rock and Texarkana, Arkansas Market areas.

A. Title: H–9–82. 24 CFR Part 201. Manufactured (Mobile) Home Loans-Increased Loan Amounts

B. *Contact:* John L. Brady, 202–755–6680.

C. *Federal Register Citation and Date of Final Action:* January 6, 1982 (47 FR 617), effective January 6, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Provided for increases in loan amounts for manufactured (mobile) home loans as authorized by the Housing and Community Development Amendments of 1981.

A. Title: H–10–82. 24 CFR Part 201. Combination and Manufactured (Mobile) Home Lot Loans, Increased Loan Awards

B. *Contact:* John L. Brady, 202–755–6680.

C. *Federal Register Citation and Date of Final Action:* January 6, 1982 (47 FR 616), effective January 6, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Provided for increases in loan amounts for manufactured (mobile) home loans when purchased in combination with land and for land purchase only as authorized.

Included: H–60–82. Interim rule published November 7, 1980 (45 FR 73923), effective November 7, 1980.

A. Title: H–14–82. 24 CFR Part 860, Subpart B. Income Limits With Respect to Admission to, and Occupancy of, Low-Income Housing Owned or Leased by PHAs

B. *Contact:* Edward Whipple, 202–755–5840.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published August 8, 1975 (40 FR 33445), effective August 8, 1975.

D. *Reason for Completion:* Included in interim rule listed as H–64–81.

E. *Brief Abstract:* Sets forth tenant selection requirements.

A. Title: H–17–82. 24 CFR Part 200. Substantial Compliance Committee

B. *Contact:* John L. Brady, 202–755–6680.

C. *Federal Register Citation and Date of Final Action:* August 9, 1982 (47 FR 34375), effective September 28, 1982, retroactive to July 15, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Revised the list of officials who comprise the Substantial Compliance Committee.

A. Title: H–21–82. 24 CFR Part 203. Change in Payment Procedure for Mortgage Insurance Premiums (MIP)

B. *Contact:* Richard B. Buchheit, 202–755–6672.

C. *Federal Register Citation and Date of Final Action:* July 15, 1982 (47 FR 30750), effective September 1, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Requires mortgagees to remit MIP payments promptly upon receipt from the mortgagor.

A. Title: H–28–82. 24 CFR Part 207. Multifamily Mortgage Insurance

B. *Contact:* Joseph E. Malloy, 202–755–7172.

C. *Federal Register Citation and Date of Final Action:* February 1, 1982 (47 FR 4507), effective March 11, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Amends 24 CFR 207.32a to permit rent increased in older urban declining neighborhoods for Sec. 223(f) projects to include reasonable profit and to prohibit repayment of the Section 223(f) refinancing for certain stated periods in the absence of owner agreement to maintain property as rental housing during such period except in certain circumstances.

A. Title: H–37–82. 24 CFR Part 83. Section 8 Housing Assistance Payments Program—State Housing Agencies

B. *Contact:* Lynda Murphy, 202–426–7113.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published January 30, 1980 (45 FR 6886), effective February 29, 1980. Partial final rule published August 22, 1980 (45 FR 56234), effective September 29, 1980.

D. *Reason for Completion:* To be included in proposed rule listed as H–67–81.

E. *Brief Abstract:* Clarified the regulations implementing the Section 8 rental assistance program by state housing agencies.

A. Title: H–49–82. 24 CFR Part 426—Rental Assistance Payments

B. *Contact:* Joel Balsham, 202–755–6142.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published July 29, 1975 (40 FR 31873), effective July 29, 1975.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Part 426 was withdrawn by interim rule published August 24, 1982 (47 FR 36814) because it duplicated provisions covered elsewhere in 24 CFR.

A. Title: H–54–82. 24 CFR Part 889. Section 8—Determination of Income for Eligibility and Gross Family Contribution

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published April 7, 1975 (40 FR 15541), effective April 7, 1975.

D. *Reason for Completion:* To be included in proposed rule listed as H–79–82.

E. *Brief Abstract:* Set forth policies and procedures for determining income for eligibility, including very low-income family determinations, and the gross family contribution for eligible families.

A. Title: H–55–82. 24 CFR Part 215. Rent Supplement Payments

B. *Contact:* James J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 20, 1975 (40 FR 21935), Effective May 20, 1975.

D. *Reason for Completion:* To be included inproposed rule listed as H–141–82.

E. *Brief Abstract:* Established the eligibility criteria for owners who enter into rent supplement contracts.

A. Title: H–56–82. 24 CFR Part 860, Subpart D. Income limits with Respect to Admission to, and Occupancy of, Low-Income Housing Owned or Leased by PHAs

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 26, 1975 (40 FR 44323), effective September 26, 1975.

D. *Reason for Completion:* To be included in proposed rule listed as H–32–82.

E. *Brief Abstract:* Amended Subpart D which established 1) minimum and maximum rent to income ratios and minimum rents to be charged in low income housing, 2) minimum rent to income ratios necessary to entitle PHAs to operating subsidies, 3) definitions of "income" and "rent", 4) required percentage of very low income families and 5) criteria for scheduling of rent increases.

A. Title: H–57–82. 24 CFR Parts 203. Mutual Mortgage Insurance and Insured Home Improvement Loans, Assignment of Mortgages to HUD

B. *Contact:* Richard B. Buchheit, 202–755–6672.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published January 4, 1979 (44 FR 1336), effective January 4, 1979.

D. *Reason for Completion:* Included in final rule listed as H–29–81.

E. *Brief Abstract:* Established criteria used in determining whether a mortage is eligible for assignment and specifies conditions under which the Secretary may waive certain eligibility criteria.

A. Title: H–58–82. 24 CFR Part 882. Section 8-Existing Housing, Special Procedures for Moderate Rehabilitation; Program Development and Operation

B. *Contact:* Louise Kleffner, 202–755–5597.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published November 9, 1979 (44 FR 65061), effective December 10, 1979.

D. *Reason for Completion:* To be included in final rule listed as H–38–81.

E. *Brief Abstract:* Revised requirements for (1) sending invitations (2) to delete specific reference to Housing Assistance Plan goals and (3) to state that invitations must be consistent with requirements of Part 891.

A. Title: H–59–82. 24 CFR Part 868. Modernization Program; PHA-Owned Projects; Comprehensive Modernization

B. *Contact:* Janice Rattley, 202–755–1800.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 7, 1980 (45 FR 30349), effective May 27, 1980.

D. *Reason for Completion:* Included in final rule listed as H–21–80.

E. *Brief Abstract:* Set forth special requirements applicable to comprehensive modernization for the substantial rehabilitation of larger, rental public housing projects with severe physical deficiencies.

A. Title: H–60–82. 24 CFR Part 201, Subpart D. Combination and Mobile Home Lot Loan

B. *Contact:* John L. Brady, 202–775–6680.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published November 7, 1980 (45 FR 73923), effective November 7, 1980.

D. *Reason for Completion:* Included in H–10–82.

E. *Brief Abstract:* Permits increased loan limits pursuant to the Housing and Community Development Amendments of 1979.

A. Title: H–62–82. 24 CFR Part 236. Mortgage Insurance and Interest Reduction Payments for Rental Projects; Implementation of Tax and Utility Subsidy

B. *Contact:* John J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 31, 1978 (43 FR 23566), effective May 31, 1978.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Subpart E (Tax and Utility Subsidy Program) was withdrawn by interim rule published August 24, 1982 (47 FR 36814), effective November 1, 1982. The Housing and Community Development Amendments of 1978 mandated the termination of this program.

A. Title: H–63–82. 24 CFR Parts 221 and 236. Low Cost and Moderate Income Mortgage Insurance and Interest Reduction Payment for Rental Projects

B. *Contact:* James J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published December 9, 1977 (42 FR 62131), effective December 9, 1977.

D. *Reason for Completion:* To be included in interim rule listed as H–140–82.

E. *Brief Abstract:* Permits mortgage prepayment to be subject to approval by the mortgagee when the funds for the loan are obtained by the sale of bonds.

A. Title: H–64–82. 24 CFR Part 219. Flexible Subsidy Program

B. *Contact:* James J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 21, 1979 (44 FR 29632), effective June 19, 1979.

D. *Reason for Completion:* To be included in interim rule listed as H–48–82.

E. *Brief Abstract:* Established policies and procedures for implementing the Flexible Subsidy Program for troubled multifamily projects.

A. Title: H–65–82. 24 CFR Parts 203, 207, and 220. Debenture Interest Rates; Increase

B. *Contact:* John Coonts, 202–755–6720.

C. *Federal Register Citation and Date of Final Action:* September 23, 1981 (46 FR 44157), effective July 1, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Provided an increased debenture interest rate applicable to all home and project mortgages and loans under the National Housing Act, except for debentures issue under Section 221 (g)(4) committed or endorsed on or after July 1, 1981.

A. Title: H–78–82. 24 CFR Parts 805, 806, 861 and 865. Gross Rent-Public Housing Program

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 4, 1982 (47 FR 19120), effective August 1, 1982.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H–32–82

E. *Brief Abstract:* Implements recent statutory changes effecting the amount of gross rent payable by families under the Public Housing program.

A. Title: H–86–82. 24 CFR Parts 203, 204, 213, 220, 221, 226, 227, 233, 234, 235 and 240. Single Family Regulatory Waiver Authority

B. *Contact:* John Coonts, 202–755–6720.

C. *Federal Register Citation and Date of Final Action:* August 18, 1982 (47 FR 35957), effective October 6, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Permits the waiver of requirements governing the eligibility for mortgage insurance and assistance payments in individual cases.

A. Title: H–107–82. 24 CFR Part 3282. Manufactured Home Procedural and Enforcement Regulations: Manufactured Inspection Fee

B. *Contact:* John Mason, 202–755–6920.

C. *Federal Register Citation and Date of Final Action:* August 2, 1982 (47 FR 33264), effective September 20, 1982, retroactive to January 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Extends the reduction of the monitoring inspection fee established in 24 CFR 3282.454 from $19.00 to $15.00 per unit inspected for the six month period of December 31, 1981 to June 30, 1982.

A. Title: H–123–82. 24 CFR Parts 203, 205, 207, 213, 220, 221, 232, 234, 235, 236, 241, 242 and 244. Mortgage Insurance Loans, Changes in Interest Rates

B. *Contact:* John N. Dickie, 202–426–4667.

C. *Federal Register Citation and Date of Final Action:* August 31, 1982 (47 FR 38279), effective August 24, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Decreases the HUD/FHA interest rates on insured loans to bring the maximum interest rates into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

A. Title: H–6–81. 24 CFR Part 242. Refinancing of Existing Debts of Hospitals

B. *Contact:* C. Edward Lewis, Jr., 202–426–7191.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule Published November 25, 1980 (45 FR 78166).

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Would have amended 24 CFR Part 242 to allow refinancing of existing debts of hospitals in order to reduce debt service. Program is not to be renewed.

A. Title: H–8–81. 24 CFR Parts 203, 221, 222 and 235. Increased Loan-to-Value Ratios Dwellings with Warranty Plans

B. *Contact:* John Coonts, 202–755–6675.

C. *Federal Register Citation and Date of Final Action:* August 3, 1982 (47 FR 33494), effective September 22, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* The Housing and Community Development Amendments of 1979 amended Section 203(b)(2) of the National Housing Act to permit a loan with a high loan-to-value ratio if the property is covered by an approved consumer protection or warranty plan. This program provides better financing opportunities to the public.

Includes: H–10–80. Interim rule published July 10, 1980 (45 FR 46377), effective August 25, 1980. H–15–80. Interim rule published September 22, 1980 (45 FR 62795), effective November 20, 1980.

A. Title: H–10–81. 24 CFR Parts 203, 220, 221, 222, 226, 227, 234 and 235. Changes in Single Family Maximum Mortgage Amounts

B. *Contact:* John Coonts, 202–755–6720.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published November 18, 1980 (45 FR 76376), effective November 18, 1980.

D. *Reason for Completion:* Withdrawn. Method of publication of increases is being changed.

E. *Brief Abstract:* Prior to this change, changes in maximum mortgage amounts were published as regulations in the **Federal Register.** This entailed significant delays and costs each time market developments dictated a change in the maximum amounts. By authorizing the use of Notices to announce amounts changes, the Department can act in a more timely and less costly manner.

A. Title: H–11–81. 24 CFR Part 200. Appendix to Subpart S—Minimum Property Standards and Description and Identification of Minimum Property Standards

B. *Contact:* Richard A. Atwell, 202–755–5929.

C. *Federal Register Citation and Date of Final Action:* Final rule published July 7, 1982 (47 FR 29523), effective August 11, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Deleted 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.

A. Title: H–12–81. 24 CFR Part 203. Eligibility of Mortgages Covering Housing Intended for Seasonal Occupancy

B. *Contact:* John Coonts, 202–755–6720.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Final rule no longer in preparation.

E. *Brief Abstract:* Would delete 24 CFR 203.43(b) setting forth the eligibility of mortgages of housing intended for seasonal occupancy.

A. Title: H–14–81. 24 CFR Part 210. Multifamily Projects; War Housing Mortgage Insurance

B. *Contact:* Joseph E. Malloy, 202–755–7172.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Final rule no longer in preparation.

E. *Brief Abstract:* Would have deleted Part 210 concerning war housing multifamily projects insured under Section 608 of National Housing Act. However, development subpart A has already been deleted and remaining Subpart B must be retained as long as insurance remains in force on existing projects.

A. Title: H–17–81. 24 CFR Part 804, Subpart B, Appendices I, II, III and IV. Low-Income Public Housing Homeownership Opportunities

B. *Contact:* Joyce M. Roberson, 202–472–4703.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* To be included in interim rule listed as H–55–79.

E. *Brief Abstract:* Would delete unnecessary portions of Part 804. (Appendices I, II, III and IV of Subpart B).

A. Title: H–18–81. 24 CFR Part 804, Subpart C. Low-Income Public Housing Homeownership Opportunities Turnkey III Program, Counseling and Training

B. *Contact:* Joyce M. Roberson, 202–472–4703.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* To be included in interim rule listed as H–55–79.

E. *Brief Abstract:* Would make technical changes to improve management and operations of Turnkey III projects and delete Appendix I of Subpart C.

A. Title: H–19–81. 24 CFR Part 804, Subpart D. Low-Income Public Housing Homeownership Opportunities, Turnkey III

B. *Contact:* Joyce M. Roberson, 202–472–4703.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* To be included in interim rule listed as H–55–79.

E. *Brief Abstract:* Would make technical changes to improve management and operations of Turnkey III projects and delete Appendices I and II of Subpart D.

A. Title: H–25–81. 24 CFR Parts 201, 203 and 207. Fractional Part of the Mortgage Interest Rate

B. *Contact:* Betty Belin, 202–755–5747.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Proposed rule no longer in preparation.

E. *Brief Abstract:* Closer analysis of this rule indicates that the objective can be obtained by issuing a handbook change.

A. Title: H–27–81. 24 CFR Part 203. Negotiated Interest Rate Program

B. *Contact:* Arnold H. Diamond, 202–426–4325.

C. *Federal Register Citation and Date of Final Action:* April 20, 1982 (47 FR 16776), effective May 20, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Amends the Secretary's authority to prescribe maximum interest rates for FHA programs by permitting a limited number of Section 203 mortgages to be closed at a rate negotiated by borrower and lender higher than the FHA ceiling. The lender must make a binding commitment of at least 30 days duration to close at the agreed upon rate.

A. Title: H–29–81. 24 CFR Part 203. Temporary Mortgage Assistance Payment (TMAP)

B. *Contact:* Richard B. Buchheit, 202–755–6672.

C. *Federal Register Citation and Date of Final Action:* August 2, 1982 (47 FR 33252), to become effective upon publication of further notice in the **Federal Register.**

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Defines the conditions under which single-family mortgagors may qualify for temporary mortgage assistance payments and assignments to HUD, and those standards for program administration required of mortgagees and HUD field offices. The rule implements the temporary mortgage assistance payments program authorized by amendments contained in the Housing and Community Development Act of 1980. This program is intended to be a lower cost alternative to the existing mortgage assignment program.

Includes: H–57–82. Interim rule published January 4, 1979 (44 FR–1336), effective January 4, 1981.

A. Title: H–30–81. 24 CFR Part 866. Public Housing—Evictions—Reduction of Notice Period for Non-payment of Rent

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Superseded by proposed rule listed as H–26–79.

E. *Brief Abstract:* Would have amended 24 CFR 866.4 to reduce the amount of time needed to evict public housing tenants in cases of nonpayment of rent.

A. Title: H–32–81. 24 CFR Part 215, 235, 236 and 812. Financial Assistance—Nonimmigrant Student Aliens

B. *Contact:* Martha B. Larkin, 202–755–6454.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published November 17, 1981 (46 FR 56421), effective November 17, 1981.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H–26–82.

E. *Brief Abstract:* Prohibits financial assistance, under the U.S. Housing Act of 1937, Section 235 or 236 of the National Housing Act, or Section 101 of the Housing and Urban Development Act of 1965, to nonimmigrant student aliens.

A. Title: H–34–81. 24 CFR Part 401. Tenant's Input Into Owner's Request to HUD for Approval of those Proposed Actions Which Significantly Affect Costs and Basic Characteristics

B. *Contact:* James J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule no longer in preparation.

D. *Reason for Completion:* To be included in proposed rule listed as H–136–82.

E. *Brief Abstract:* Would provide for tenant's comments on owner's actions which require Secretary's approval and which significantly affect the costs and basic characteristics of the project.

A. Title: H–35–81. 24 CFR Part 888. FMR Schedules for New Construction and Sub Rehab under Sections 8 and 23 Housing Assistance Payments Program

B. *Contact:* Edward M. Winiarski, 202–755–5743.

C. *Federal Register Citation and Date of Final Action:* May 4, 1982 (47 FR 19124), effective June 14, 1982, retroactive to October 1, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Amended Schedules to 24 CFR Parts 803 and 888 for Secs. 8 and 23 for FY 1982. Annual publication.

Included: H–6–82, Interim rule published September 30, 1981 (46 FR–47772), effective November 16, 1981.

A. Title: H–37–81. 24 CFR Part 860. Exemption of Elderly from Income Range Requirements

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. To be included in proposed rule listed as H–76–82.

E. *Brief Abstract:* Would amend Part 860 to allow Field Office Managers and Supervisors to waive public housing income range requirements when, without such a waiver, elderly applicants would have to wait longer to be housed than nonelderly applicants.

A. Title: H–41–81. 24 CFR Part 885. Use of Lump Sum Construction Contract in Bid Competition, Use of Modified Form of Cost Certification

B. *Contact:* Robert W. Wilden, 202–755–6528.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Included in interim rule published May 11, 1982 (47 FR 20113), effective June 22, 1982.

E. *Brief Abstract:* Provides for an alternative lump sum contract with simplified cost certification.

A. Title: H–42–81. 24 CFR Part 886. Moderate/Substantial Rehabilitation Program—Special Allocations

B. *Contact:* James J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Proposed rule no longer in preparation.

E. *Brief Abstract:* Would have amended 24 CFR Part 886 to provide for assistance in financing private and public loans obtained by owners in order to provide certain physical improvements and replacements in the portfolio of subsidized housing projects.

A. Title: H–46–81. 24 CFR Part 201, Subpart D. Manufactured (Mobile) Home Loan Increases

B. *Contact:* John L. Brady, 202–6680.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Interim rule no longer in preparation.

E. *Brief Abstract:* Would have increased the maximum insurable loan amounts for combination (manufactured home and lot) and manufactured home lot loans. Limits are now outdated.

A. Title: H–50–81. 24 CFR Parts 203 and 235. Interest Which Mortgagors Can Deduct for Tax Purposes

B. *Contact:* Richard B. Buchheit, 202–755–6672.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Included in interim rule listed as H–33–81.

E. *Brief Abstract:* Would change the maximum time allowed for a mortgagee to furnish each mortgagor with a statement of interest and taxes said with respect to the mortgage account from sixty days to thirty days.

A. Title: H–52–81. 24 CFR Part 203. Acceleration of Mortgage

B. *Contact:* Richard B. Buchheit, 202–755–6672.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Proposed rule no longer in preparation.

E. *Brief Abstract:* Would permit the inclusion and use of "due on sale" clauses in insured mortgages. Where acceleration of the mortgage results in acquisition of title to the property, no claim for insurance benefits would be permitted.

A. Title H–54–81. 24 CFR Parts 203 and 234. Graduated Payment Mortgages

B. *Contact:* Arnold H. Diamond, 202–426–4325.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Interim rule no longer in preparation.

E. *Brief Abstract:* Would have (1) provided for an alternative graduated payment mortgage with a renegotiable rate, (2) provided for inclusion of a due-on-sale clause, and (3) made the program available for existing properties.

A. Title H–56–81. 24 CFR Part 40—Standards for Design, Construction, and Alteration of Publicly-Owned Residential Structures

B. *Contact:* John E. Bonkoski, 202–755–6740.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in revised proposed rule listed as H–71–78.

E. *Brief Abstract:* Prescribes standards for the design, construction, and alteration of publicly-owned residential structures to insure that physically handicapped persons will have ready access to, and use of, such structures.

A. Title H–59–81. 24 CFR Part 204—Coinsurance

B. *Contact:* John J. Coonts, 202–755–6720.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as H–28–80.

E. *Brief Abstract:* Means by which mortgage lenders may assume a substantial part of the work involved in underwriting HUD/FHA single family mortgage insurance applications for a part of the fee.

A. Title H–60–81. 24 CFR Part 207—Multifamily Housing Mortgage Insurance

B. *Contact:* Joel Balsham, 202–755–6887.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as H–88–82.

E. *Brief Abstract:* Provides for Federal mortgage insurance to facilitate construction financing and provides procedures for management of a broad cross-section of rental housing.

A. Title H–61–81. 24 CFR Part 290—Management and Disposition of HUD Owned Multifamily Housing Projects

B. *Contact:* Marvin T. Hilman, 202–755–7220.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in proposed rule listed as H–69–78.

E. *Brief Abstract:* Policies in managing and disposing of HUD-owned multifamily projects.

A. Title: H–62–81. 24 CFR Part 420. Assistance Payments-Homes for Lower-Income Families

B. *Contact:* Richard B. Buchheit, 202–755–6672.

C. *Federal Register Citation and Date of Final Action:* Final rule published. Final rule published November 19, 1981 (46 FR 56784), effective February 3, 1982.

D. *Reason for Completion:* Technical correction March 18, 1982 (47 FR 11655).

E. *Brief Abstract:* Revoked Part 420 which set forth the requirements for recertification of occupancy, employment, income and family composition by mortgagors or cooperative members receiving assistance payments pursuant to Section 235 of the National Housing Act, and sets forth the procedures for termination, suspension and reinstatement of the assistance payments contract. The provisions are already contained in Part 235, Subpart C.

A. Title: H–63–81. 24 CFR Parts 800, 801, 802, and 803. Section 23 Housing Assistance Payments Program

B. *Contact:* Shirley C. Stone, 202–755–5353.

C. *Federal Register Citation and Date of Final Action:* November 23, 1981 (46 FR 57277), effective February 4, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Removed the obsolete provisions from the regulations governing the Section 23 Housing Assistance Payments Program. Specifically, this rule (1) removed the development procedures for new construction and substantial rehabilitation; (2) combined the project operation procedures for new construction and substantial rehabilitation; (3) removed the existing housing regulation in its entirety; and (4) eliminated the fair market rent schedules for new construction, substantial rehabilitation, and existing housing and the automatic annual adjustment factor as separate schedules for the Section 23 program.

A. Title: H–64–81. 24 CFR Part 860. Income Limits With Respect to Admission to and Occupancy of, Low-Income Housing Owned or Leased by PHAs

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 4, 1982 (47 FR 19120), effective August 1, 1982.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H–79–82.

E. *Brief Abstract:* Sets forth the standard governing the maximum income levels, minimum and maximum rent-income ratios and minimum rent requirements, and other tenant selection criteria to be used by public housing agencies in determining admission to low-income housing projects.

A. Title: H–65–81. 24 CFR Part 880—Section 8 Housing Assistance Payments Program for New Construction

B. *Contact:* Joseph E. Malloy, 202–755–7172.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in proposed rule listed as H–39–81.

E. *Brief Abstract:* Policies and procedures applicable to the Section 8 new construction program.

A. Title: H–66–81. 24 CFR Part 881—Section 8 Housing Assistance Payments Program for Substantial Rehabilitation

B. *Contact:* Joseph E. Malloy, 202–755–7172.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in proposed rule listed as H–39–81.

E. *Brief Abstract:* Policies and procedures applicable to the Section 8 substantial rehabilitation program.

A. Title: H–68–81. 24 CFR Part 889. Section 8—Determination of Incomes for Eligibility and Gross Family Contribution.

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 4, 1982 (47 FR 19128), effective August 1, 1982.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H–79–82.

E. *Brief Abstract:* Sets forth policies and procedures for determining the eligible income levels and gross family contribution rated for very low income and lower income families to qualify for Section 8 housing assistance payments.

A. Title: H–71–81. 24 CFR Part 804, Subparts C and D. Low-Income Public Housing-Homeownership Opportunities, Turnkey III Program

B. *Contact:* Joyce M. Roberson, 202–472–4703.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. results to be included in interim rule listed as H–55–79.

E. *Brief Abstract:* The Turnkey III regulation will be amended to include technical changes to the Turnkey III Program to improve the management and operations of Turnkey III projects. In addition, Subpart C–Counseling and Training and appendices and Subpart D—Homebuyers Association and appendices will be deleted.

A. Title: H–72–81. 24 CFR Part 866—Lease and Grievance Procedure

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in proposed rule listed as H–26–79.

E. *Brief Abstract:* Requirements for dwelling leases and grievances procedures in the low-income public housing program.

A. Title: H–74–81. 24 CFR Parts 804, 805 and 841. Low-Rent Housing Homeownership Opportunities (Turnkey III); Indian Housing; and Public Housing Development Phase; Maximum Limit on Total Development Cost

B. *Contact:* J. R. Van Ness, 202–755–4956.

C. *Federal Register Citation and Date of Final Action:* September 8, 1982 (47 FR 39480), effective October 8, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Established a maximum limit on the Total Development Cost (TDC) of low-income public housing and Indian housing projects developed under the U.S. Housing Act of 1937 exclusive of Section 8.

A. Title: H–2–80. 24 CFR Part 200. Use of Materials Bulletin 70a—Particleboard Interior Stair Treads and Certification Program

B. *Contact:* Vincent Tang, 202–755–5929.

C. *Federal Register Citation and Date of Final Action:* April 5, 1982 (47 FR 14487), effective May 19, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* The rule revises Use of Materials Bulletin No. 70 to reference American National Standard ANSI A208.1 Mat-Formed Wood Particleboard and to provide for increasing the allowable distance between the stringers which support the stair tread from 30 inches to 42 inches.

A. Title: H–10–80. 24 CFR Parts 203, 221, 222 and 235. Single Family Mortgage Insurance—High Ratio Loans for Dwellings with Warranty Plans

B. *Contact:* John Coonts, 202–755–6675.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule

published July 10, 1980 (45 FR 46377), effective August 25, 1980.

D. *Reason for Completion:* Included in final rule listed as H–8–81.

E. *Brief Abstract:* Permits high ratio loans for properties not approved prior to start of construction but which are built under acceptable consumer protection or warranty plans.

A. Title: H–13–80. 24 CFR Part 215. Rent Supplement Payments

B. *Contact:* James J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 8, 1980 (45 FR 59145), effective October 1, 1980.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H–141–82.

E. *Brief Abstract:* Simplified processing under various programs by making uniform the definitions of eligibility and adjusted income.

A. Title: H–14–80. 24 CFR Part 219. Flexible Subsidy Program

B. *Contact:* James J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 23, 1980 (45 FR 34877), effective June 22, 1980.

D. *Reason for Completion:* Withdrawn. This rule will not be finalized. Congress prohibited the use of these funds for this purpose in 1981.

E. *Brief Abstract:* Provides for the funding of eligible projects having HUD rent supplement contracts and which are in need of additional funding due to rent increases.

(Was listed incorrectly on previous agenda as H–73–78.)

A. Title: H–15–80. 24 CFR Part 235. Eligibility of Cooperative Housing Limits and Existing Condominium Units, Section 235 Program

B. *Contact:* John Coonts, 202–755–6675.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 22, 1980 (45 FR 62795), effective November 20, 1980.

D. *Reason for Completion:* Included in final rule listed as H–8–81.

E. *Brief Abstract:* Permits Section 235 assistance payments for purchasers of cooperative housing units and existing condominium or single-family units.

A. Title: H–16–80. 24 CFR Part 236. Section 236 Program—Definition of Eligible Tenant

B. *Contact:* James J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 8, 1980 (45 FR 59147), effective October 1, 1980.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H–140–82.

E. *Brief Abstract:* Changes the definitions of "qualified tenant" and "adjusted income" in the Section 236 program to make them consistent with those used in the Section 8 program.

A. Title: H–17–80. 24 CFR Part 241. Supplementary Financing for Insured Project Mortgages

B. *Contact:* Joseph E. Malloy, 202–755–7172.

C. *Federal Register Citation and Date of Final Action:* October 20, 1981 (46 FR 51383), effective November 20, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief abstract:* Amended 24 CFR 241.65 to delete the limitation prohibiting the term of a loan insured under Section 241(b)(2) from exceeding the term of the insured mortgage.

A. Title: H–21–80. 24 CFR Part 868. Comprehensive Improvement Assistance Program

B. *Contact:* Janice Rattley, 202–755–1800.

C. *Federal Register Citation and Date of Final Action:* May 21, 1982 (47 FR 22312), effective July 19, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Revises the requirements for the modernization of existing public housing projects by setting forth simplified, more flexible requirements as a result of the Department's consideration of the public comments received on the comprehensive Improvement Assistance Program (CIAP) interim rule, published April 14, 1981, and the Department's own efforts to reduce burdensome requirements.

Includes: H–59–82. Interim rule published May 7, 1980 (45 FR 30349), effective May 27, 1980.

A. Title: H–25–80. 24 CFR Part 886. Section 8 Housing Assistance Payments Program—Special Allocations

B. *Contact:* James J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* June 8, 1982 (47 FR 24700), effective July 25, 1982, retroactive to October 1, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Amended 24 CFR Part 886 to permit owners of projects to submit written requests for rent increases on contract units on the basis of need when Automatic Annual Adjustment Factor is not sufficient. Allows owners to submit requests for rent increases based upon supportable and substantial evidence for such increases, rather than rely solely upon the Automatic Annual Adjustment Factor.

A. Title: H–7–79. 24 CFR Part 886. Section 8 Housing Assistance Payments Program—Disposition of HUD/Owned Projects

B. *Contact:* Marvin T. Hilman, 202–755–7220.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published December 6, 1979 (44 FR 70362), effective December 26, 1989.

D. *Reason for Completion:* To be included in final rule listed as H–6–79.

E. *Brief Abstract:* Provides for repairs to be made by purchasers of HUD-owned projects.

A. Title: H–35–79. 24 CFR Part 200. Use of Materials Bulletin No. 79a, Acrylonitrile-Butadiene-Styrene (ABS) and Poly (Vinyl Chloride) Plastic Drain, Waste and Vent (DWV) Pipe and Fittings

B. *Contact:* Richard H. Koloden, 202–755–5929.

C. *Federal Register Citation and Date of Final Action:* November 17, 1981 (46 FR 56413), effective March 3, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Set forth the requirements and conditions for the acceptance of plastic drainage, waste and vent pipe and fittings manufactured from Acrylonitrile-Butadiene-Styrene (ABS) or poly (Vinyl Chloride) (PCV) plastic. This rule revised UM 79 to include the ABS DWV pipe having a foam core.

A. Title: H–36–79. 24 CFR Part 200. Revision of Minimum Property Standards (MPS) for One- and Two-Family Dwellings

B. *Contact:* Richard A. Atwell, 202–755–5929.

C. *Federal Register Citation and Date of Final Action:* August 6, 1982 (47 FR 34334), effective September 24, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Incorporates appropriate portions of the current model One and Two Family Dwelling Code into the MPS and remove criteria from the MPS that do not bear directly on health, life and safety requirements.

A. Title: H–41–79. 24 CFR Parts 203, 204, 213, 220, 221 and 234. Elimination of Single Family Application And Commitment Fees

B. *Contact:* John Coonts, 202–755–6720.

C. *Federal Register Citation and Date of Final Action:* July 7, 1982 (47 FR 29524), effective August 12, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Eliminates collection of application fees. Reduces unnecessary collection of fees and distribution of payments to private individuals.

A. Title: H–47–79. 24 CFR Part 241. Assurance of Completion Requirements—Multifamily Housing

B. *Contact:* Vaughn L. Sanders, 202–755–9280.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule published December 17, 1980 (45 FR 82958).

D. *Reason for Completion:* Withdrawn. Final rule no longer in preparation.

E. *Brief Abstract:* Would have increased the construction limit on multi-family projects covered by HUD mortgage insurance from $500,000 to $1,000,000 where the mortgagor has provided assurance of completion.

A. Title: H–61–79. 24 CFR Part 881, Subpart G. Section 8—Special Procedures for Neighborhood Strategy Areas

B. *Contact:* Joseph E. Malloy, 202–755–7172.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published January 31, 1980 (45 FR 7072), effective February 20, 1980.

D. *Reason for Completion:* To be included in proposed rule listed as H–39–81.

E. *Brief Abstract:* Provides special policies and procedures to be followed by HUD, State Housing Finance and Development Agencies and local governments in carrying out the Neighborhood Strategy Areas Program.

A. Title: H–68–79. 24 CFR Part 889. Section 8—Computation of Gross Family Contribution

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 9, 1980 (45 FR 59309), effective October 1, 1980.

D. *Reason for Completion:* Superseded by H–68–81. Interim rule published May 4, 1982 (45 FR 19128), effective August 1, 1982. To be included in final rule published pursuant to proposed rule listed as H–79–82.

E. *Brief Abstract:* Revised Maximum rent-to-income ratio for tenants receiving Section 8 housing assistance payments.

A. Title: H–42–78. 24 CFR Part 881. Section 8—Substantial Rehabilitation

B. *Contact:* Joseph E. Malloy, 202–755–7172.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published January 31, 1980 (45 FR 7082), effective February 20, 1980.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H–39–81.

E. *Brief Abstract:* Adds rent, cost and amenities limitation and requirements for cost justification of rents in certain cases in order to control and reduce the costs of the program. Also, makes processing changes to assure coordination of Section 8 and HUD mortgage insurance programs and to improve the efficiency and quality of processing.

A. Title: H–43–78. 24 CFR Part 884. Section 8 Housing Assistance Payments Program-State Housing Agencies (Farmers Home Administration Set-Aside)

B. *Contact:* Joseph E. Malloy, 202–755–7172.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Interim rule no longer in preparation.

E. *Brief Abstract:* Would have established a new Part 884 to relocate existing regulations implementing a HUD/USDA agreement on Section 515 rual housing projects. However, revisions to make the Section 8 515 consistent with other Section 8 regulations is no longer necessary. The development portion of this program is no longer being funded.

A. Title: H–47–78. 24 CFR Parts 207, 213, 220, 221, 232, 241, 242 and 244. Multifamily Mortgage Insurance

B. *Contact:* Vaughn L. Sanders, 202–755–9280.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Proposed rule no longer in preparation.

E. *Brief Abstract:* Would have permitted mortgagee to accept any "alternative equivalent of cash" and permitted the Commissioners to require that this "alternative" be spent on the project as needed.

A. Title: H–58–78. 24 CFR Part 882. Section 8. Existing Housing Program-Contract Administration

B. *Contact:* Gerald Benoit. 202–755–5433.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule published April 10, 1979 (44 FR 21556).

D. *Reason for Completion:* Withdrawn. Final rule no longer in preparation.

E. *Brief Abstract:* Would have permitted a public or private agency, which is not a public housing agency (PHA), to administer the Section 8 Existing Contract for HUD under special circumstances.

A. Title: H–61–78. 24 CFR Part 865. Subpart F. Consolidated Supply Program

B. *Contact:* Clarence F. Meadows, 202–755–5840.

C. *Federal Register Citation and Date of Final Action:* August 2, 1982 (47 FR 33259), effective September 20, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Establishes regulations governing operation of the Consolidated Supply Program (CSP) as provided in the Department of Housing and Urban Development Procurement Regulations in order to assist Public Housing Agencies (PHAs) to assure the low-income charter of projects as required under the United States Housing Act of 1937, as amended. Under the CSP, the Department of Housing and Urban Development furnishes technical assistance to PHAs in purchasing certain supplies, material, equipment, and services necessary in the development, operation and maintenance of low-income housing by entering into and administering contracts for the voluntary use of those agencies.

A. Title: H–75–78. 24 CFR Part 420—Tenant Participation in Multifamily Housing Projects

B. *Contact:* Joel Balsham, 202–755–6142.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule published November 16, 1979 (44 FR 65992).

D. *Reason for Completion:* Withdrawn. To be superseded by proposed rule listed as H–136–82.

E. *Brief Abstract:* Would implement Section 202(b)(1) of the Housing and Community Development Amendments of 1978 for tenant participation in multifamily housing projects.

A. Title: H–76–78. 24 CFR Part 208—Partial Payment of Claims

B. *Contact:* Joel Balsham, 202–755–6142.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule published November 9, 1979 (44 FR 65081).

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Current interest rates made this rule inoperative.

A. Title: CPD–1–82. 24 CFR Part 570, Subpart I. Community Development Block Grants: State's Program

B. *Contact:* James N. Forsberg, 202–755–6322.

C. *Federal Register Citation and Date of Final Action:* April 8, 1982 (47 FR 15290), effective May 19, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* The regulation establishes the policies and procedures for the State Community Development Block Grant Program. Under the State's Program, each State may elect to administer the CDBG funds for its non-entitlement areas. The statute which authorizes the State's Program and these regulations allow States a great degree of flexibility to design their methods of distributing funds and to establish the policies and procedures for their programs.

A. Title: CPD–8–82. 24 CFR Part 570, CDBG, Allocation and Distribution of Funds

B. *Contact:* James R. Broughman, 202–755–9267.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published February 1, 1978 (43 FR 4382), effective February 1, 1978.

D. *Reason for Completion:* To be included in interim rule listed as CPD–4–82.

E. *Brief Abstract:* General program provisions pertaining to the allocation and distribution of funds.

A. Title: CPD–11–82. 24 CFR Part 570. CDBG, Urban Development Action Grants

B. *Contact:* Virginia Healy, 202–755–7362.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published June 8, 1979 (44 FR 33372), effective June 28, 1979.

D. *Reason for Completion:* To be included in final rule listed as CPD–36–81.

E. *Brief Abstract:* Deletes UDAG minimum standards of physical and economic distress established for fiscal year 1978 for small cities and provides a method to revise the minimum standards for small cities when more recent data becomes available.

A. Title: CPD–12–82. 24 CFR Part 570, Subpart F, CDBG, Small Cities Program

B. *Contact:* Helen Duncan/Bryant Monroe, 202–755–6322.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published June 26, 1979 (44 FR 37478), effective July 26, 1979.

D. *Reason for Completion:* To be included in final rule listed as CPD–35–81.

E. *Brief Abstract:* Permits earlier filing by applicants in fiscal year 1980, thereby giving approved applicants greater flexibility in planning their schedules and earlier set-up time for projects.

A. Title: CPD–3–81. 24 CFR Part 510, CDBG, Subrecipients and Disposition of Real Property

B. *Contact:* Neil H. Stern, 202–755–5977.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule published June 31, 1979 (44 FR 45110).

D. *Reason for Completion:* To be included in interim rule listed as CPD–38–81.

E. *Brief Abstract:* HUD's policies and procedures in regard to CDBG subrecipients and the disposition of real property acquired with CDBG funds.

A. Title: CPD–6–81. 24 CFR Part 511. Neighborhood Facilities Program Project Selection System

B. *Contact:* Thomas H. Terrell, 202–755–6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Regulations obsolete. HUD has not accepted applications since 1974.

A. Title: CPD–7–81. 24 CFR Part 540. Open Space Land Program Project Selection System

B. *Contact:* Thomas H. Terrell, 202–755–6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Regulations obsolete. HUD has not accepted applications since 1974.

A. Title: CPD–8–81. 24 CFR Part 541. Open Space Land Program Project Selection System

B. *Contact:* Thomas H. Terrell, 202–755–6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Simplification and deregulation to minimum extent necessary to manage remaining active projects. No applications funded since 1974.

A. Title: CPD–9–81. 24 CFR Part 551. Neighborhood Development Program Project Selection System

B. *Contact:* Thomas H. Terrell, 202–755–6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Regulation is obsolete. HUD has not accepted application for this program since 1974.

A. Title: CPD–10–81. 24 CFR Part 555. Grants for Basic Public Water and Sewer Facilities

B. *Contact:* Thomas H. Terrell, 202–755–6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Simplification and deregulation to minimum extent necessary to manage remaining active projects. No applications funded since 1974.

A. Title: CPD–11–81. 24 CFR Part 556. Evaluation of Preliminary Applications for Basic Water and Sewer Grants

B. *Contact:* Thomas H. Terrell, 202–755–6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Deleted Part 556 because the regulation is obsolete. HUD has not accepted applications since 1974.

A. Title: CPD–12–81. 24 CFR Part 561. Public Facility Loans Project Selection System

B. *Contact:* Thomas H. Terrell, 202–755–6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Deleted Part 561 because the regulation is obsolete. HUD has not accepted applications since 1974.

A. Title: CPD–13–81. 24 CFR Part 580. Model Cities Transition Policies

B. *Contact:* Thomas H. Terrell, 202–755–6330.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Final rule no longer in preparation.

E. *Brief Abstract:* Would have deleted portions of Part 580 because they are obsolete. However, one Model Cities project remains open.

A. Title: CPD–15–81. 24 CFR Part 570. Section 108 Private Market Financing

B. *Contact:* Paul Webster, 202–755–1871.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Would have changed the source of financing under Section 108 from the Federal Financing Bank to private investors. However, HUD decided not to convert to private market financing. The continued utilization of the Federal Financing Bank (FFB) as the sole lender under Section 108 was determined to be more advantageous to the borrowers and HUD. The principal advantages of utilizing the FFB are lower interest rates and decreased administrative costs.

A. Title: CPD–16–81. 24 CFR Part 570. CDBG Entitlement Grants—Amendments Conforming to 1980 Legislation: Allocation and Distribution of Funds

B. *Contact:* David J. Pollack, 202–755–6306.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* To be included in interim rule listed as CPD–4–82.

E. *Brief Abstract:* 1980 Statutory changes in the allocation and distribution of funds.

A. Title: CPD–17–81. 24 CFR Part 570. CDBG Entitlement Grants—Amendments Conforming to 1980 Legislation: Urban Counties

B. *Contact:* Rich Fromm, 202–755–9267.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 14, 1981 (46 FR 45603), effective September 14, 1981.

D. *Reason for Completion:* To be included in interim rule listed as CPD–4–82.

E. *Brief Abstract:* Implements 1980 statutory entitlement to the qualification requirements for CDBG Entitlement Grants to Urban Counties.

A. Title: CPD–19–81. 24 CFR Part 570. Urban Development Action Grants

B. *Contact:* Virginia S. Healy, 202–755–7362.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Included in final rule published February 23, 1982 (47 FR 7982), effective March 31, 1982. (CPD–36–81).

E. *Brief Abstract:* Implemented the statutory amendment extending UDAG elibibility to Indian Tribes.

A. Title: CPD–2–81. 24 CFR Part 570. CDBG Grant Administration, Conflict of Interest

B. *Contact:* Lorraine H. Drolet, 202–755–5977.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* To be included in interim rule listed as CPD–4–82.

E. *Brief Abstract:* HUD's policies and procedures toward conflict of interest issues involving CDBG funds.

A. Title: CPD–23–81. 24 CFR Part 58. Environmental Review Procedures for the CDBG Program

B. *Contact:* Charles E. Thomsen, 202–755–7355.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as CPD–21–81.

E. *Brief Abstract:* HUD's policies and procedures regarding CDBG program environmental review.

A. Title: CPD–24–81. 24 CFR Part 570, Subpart A. CDBG General Provisions

B. *Contact:* David Pollack, 202–744–6306.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in interim rule listed as CPD–4–82.

E. *Brief Abstract:* Objectives and definitions for the CDBG program.

A. Title: CPD–25–81. 24 CFR Part 570, Subpart B. Allocation and Distribution of Funds

B. *Contact:* David Pollack, 202–755–6306.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in interim rule listed as CPD–4–82.

E. *Brief Abstract:* HUD's policies and procedures in regard to the allocation and distribution of CDBG funds.

A. Title: CPD–26–81. 24 CFR Part 570, Subpart D-CDBG Entitlement Grants

B. *Contact:* David Pollack, 202–755–6306.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in interim rule listed as CPD–4–82.

E. *Brief Abstract:* HUD's policies and procedures for CDBG Entitlement Grants.

A. Title: CPD–27–81. 24 CFR 570.400. Secretary's Fund (CDBG)

B. *Contact:* James F. Selvaggi, 202–755–6867.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* HUD's policies and procedures in regard to the CDBG Secretary's Fund. No action to be taken.

A. Title: CPD–28–81. 24 CFR 570.402. Technical Assistance Grants and Contracts

B. *Contact:* James F. Selvaggi, 202–755–6876.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as CPD–6–79.

E. *Brief Abstract:* HUD's policies and procedures for the CDBG Secretary's Fund: Technical Assistance Grants.

A. Title: CPD–29–81. 24 CFR 570.403. New Communities

B. *Contact:* Liza Bowles, 202–755–8909.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* HUD's policies and procedures in regard to the CDBG Secretary's Fund: New Community Grants. No action to be taken until all active projects are closed out.

A. Title: CPD–30–81. 24 CFR 570.404. Areawide Programs

B. *Contact:* Liza Bowles, 202–755–8909.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* HUD's policies and procedures in regard to the CDBG Secretary's Fund: Areawide Program Grants. No action to be taken pending closeout of active grants.

A. Title: CPD–31–81. 24 CFR 570.405. Consolidation of Grants for Certain Insular Areas

B. *Contact:* Liza Bowles, 202–755–8909.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* HUD's procedures for funding of Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands under the CDBG Secretary's Fund. No action to be taken at this time.

A. Title: CPD–32–81. 24 CFR Part 570. Innovative Grant Program

B. *Contact:* Liza Bowles, 202–755–8909.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* Program was abolished by the 1981 amendments.

A. Title: CPD–33–81. 24 CFR 570.407. CDBG Disaster Assistance Grants

B. *Contact:* Liza Bowles, 202–755–8909.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* HUD's policies and procedures in regard to CDBG Secretary's Fund: Federally Recognized

Disasters. Proposed rule was published November 13, 1980. Program was abolished by 1981 amendments. Final rule no longer in preparation.

A. Title: CPD–34–81. 24 CFR 570.408. CDBG for Inequities

B. *Contact:* Leroy Gonnella, 202–755–6090.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as CPD–22–81.

E. *Brief Abstract:* Procedures which make funds available to correct in whole or in fact inequities resulting from the allocation provisions.

A. Title: CPD–36–81. 24 CFR Part 570, Subpart G. Urban Development Action Grants

B. *Contact:* Virginia Healy, 202–755–7362.

C. *Federal Register Citation and Date of Final Action:* February 23, 1982 (47 FR 7982), effective March 31, 1982.

D. *Reason for Completion:* Review completed. Final rule published.

E. *Brief Abstract:* This final rule incorporated all policy and program changes required by the Community Development Act of 1980 and the Omnibus Budget Reconciliation Act of 1981.

Includes: CPD–19–81. Separate interim rule no longer in preparation. CPD–11–82. Interim rule published June 8, 1979 (44 FR 33372), effective June 28, 1979.

A. Title: CPD–40–81. 24 CFR Part 510, Subpart M-Entitlement Grants-Loan Guarantees

B. *Contact:* Paul Webster, 202–755–1871.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in interim rule listed as CPD–4–82.

E. *Brief Abstract:* HUD's policies and procedures toward private market financing of loans authorized under Section 108 of the HCD Act of 1974.

A. Title: CPA–42–81. 24 CFR Part 891, Subpart E—Areawide Housing Opportunity

B. *Contact:* Robert J. Coyle, Office of Policy and Budget, Housing, 202–755–6454.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as H–4–81.

E. *Brief Abstract:* Subpart E contains the application requirements for the Areawide Housing Opportunity Program. Rulemaking for this program has been assumed by the Office of Housing.

A. Title: CPD–43–81. 24 CFR Part 891, Subpart F—Special Allocation Based Upon Approved Areawide Opportunity Plans

B. *Contact:* Robert J. Coyle, Office of Policy and Budget, Housing, 202–755–6454.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as H–4–81.

E. *Brief Abstact:* Subpart F describes the policies and procedures governing review and selection by HUD of those approved plans which serve as the basis for special allocations of contract and budget authority for use in the Approved Plan area Rulemaking for this program has been assumed by the Office of Housing.

A. Title: CPD–45–81. 24 CFR Part 51—Environmental Criteria and Standards

B. *Contact:* James Miller, 202–755–6580.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* No review conducted. Listed as a deregulation item on 8/17/81 Agenda in error.

E. *Brief Abstract:* Provides environmental standards, criteria and guidelines for determining project acceptability for activities assisted by the Department.

A. Title: CPD–1–80. 24 CFR Part 42. Relocation of Displaced Mobile Home Occupants

B. *Contact:* Harold J. Huecher, 202–755–6336.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule, published August 13, 1979 (44 FR 45708), effective September 26, 1979.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Would have added a new 24 CFR 42.507 to govern relocation assistance for mobile home occupants displaced by a HUD-assisted project that is subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

A. Title: CPD–4–80. 24 CFR Part 570. CDBG Entitlement Conforming Amendments, 1980 Legislation: Eligible Activities and Optional Applicant Requirements

B. *Contact:* Charles Kreiman, 202–755–5977.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* To be included in interim rule listed as CPD–4–82.

E. *Brief Abstract:* Conforms CDBG Entitlement Regulations to 1980 statutory amendments for program benefit requirements.

A. Title: CPD–5–80. 24 CFR Parts 510 and 570. Minority Business Enterprise Requirements for CDBG Recipients and Localities Administering Section 312 Rehabilitation Loans

B. *Contact:* James R. Broughman, 202–755–9267.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn pending outcome of legislative change proposal under consideration as part of 1984 Budget.

E. *Brief Abstract:* Would have established requirements for the use of minority business in carrying out CDBG and Section 312 activities.

A. Title: CPD–7–80. 24 CFR Part 600. Comprehensive Planning Assistance Program—Energy Conservation Provisions.

B. *Contact:* Richard J. Alexander, 202–755–6186.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* The regulations require grantees to incorporate energy conservation measures in the comprehensive planning process and provide examples of eligibility energy conservation activities.

Grants are no longer being made under this Program. It was repealed effective October 1, 1981.

A. Title: CPD–8–80. 24 CFR Part 600. Comprehensive Planning Assistance, Statutory Changes

B. *Contact:* Richard J. Alexander, 202–755–6186.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Would have amended 24 CFR Part 600 to revise Comprehensive Planning Assistance (701) Program regulations to reflect changes in statutory requirements. Program was repealed, effective October 1, 1981.

A. Title: CPD–9–80. 24 CFR Part 570. Modifications to Innovative Grant Program

B. *Contact:* Liza Bowles, 202–755–8909.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 9, 1980 (45 Fr 59496), effective October 1, 1980.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Would have clarified program objectives and provided guidance as to content and format of unsolicited proposals, solicited preapplications and full applications. Program was abolished by 1981 Amendment.

A. Title: CPD–10–79. 24 CFR Part 570. CDBG and UDAG Conforming Amendments

B. *Contact:* Charles Kreiman, 202–755–5977.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 9, 1980 (45 FR 59306), effective October 1, 1980.

D. *Reason for Completion:* To be included in interim rule listed as CPD–482.

E. *Brief Abstract:* Sets forth technical changes to implement the Housing and Community Development Amendments of 1979.

A. Title: CPD–12–79. 24 CFR Part 570, Subpart O. CDBG, Technical Amendments

B. *Contact:* James R. Broughman, 202–755–9267.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published November 15, 1979 (44 FR 65950), effective December 17, 1979.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Amended 570.910, 570.911 and 570.913 to clarify provisions regarding corrective and remedial actions, reduction of annual grant and other remedies for noncompliance.

A. Title: CPD–13–79. 24 CFR Part 570. CDBG, Housing Assistance Plan, Secretarial Review of Recipient's Performance

B. *Contact:* James R. Broughman, 202–755–9267.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published June 25, 1980 (45 FR 42604), effective August 1, 1980.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Revised 24 CFR 570.909 to clarify the provisions of existing performance standards for Housing Assistance Plans.

A. Title: CPD–23–79. 24 CFR Part 570. Minority Business Enterprise in the UDAG Program

B. *Contact:* Virginia Healy, 202–755–7362.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Suggested change to require recipients to set goals for award of a portion of its construction contracts to minority businesses has been superseded by the President's Minority Business Enterprise policy being implemented by the Office of Community and Development.

A. Title: CPD–8–78. 24 CFR Part 570. CDBG Definition of Low- and Moderate-Income Persons

B. *Contact:* David Pollack, 202–755–6306.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published February 1, 1978 (43 FR 4382), effective February 1, 1978.

D. *Reason for Completion:* To be included in interim rule listed as CPD–4–82.

E. *Brief Abstract:* Revises existing definition to include unrelated individuals with lower incomes.

A. Title: CPD–16–78. 24 CFR Part 570. CDBG Revisions to Rules Governing the Grantee Performance

B. *Contact:* James R. Broughman, 202–755–9267.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published February 13, 1980 (45 FR 9730), effective March 14, 1980.

D. *Reason for Completion:* To be included in interim rule listed as CPD–38–81.

E. *Brief Abstract:* Would reduce the submission frequency and content of the Grantee Performance Report.

A. Title: CPD–20–78. 24 CFR Parts 52. Implementation of OMB Circular A–95

B. *Contact:* Richard J. Alexander, 202–755–6186.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* OMB has rescinded OMB Circular A–95 as directed by E.O. 12372. Present rules and regulations in effect will continue in effect until April 1983. At that time, regulations establishing a new Intergovernmental Review system will be promulgated.

A. Title: CPD–27–78. 24 CFR part 58. Environmental Review Procedures for the CDBG Program

B. *Contact:* Charles E. Thomsen, 202–755–7355.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published August 2, 1979 (44 FR 45568), effective October 1, 1982.

D. *Reason for Completion:* Superseded by interim rule listed as CPD–23–81.

E. *Brief Abstract:* Sets forth regulations governing environmental review procedures to be undertaken by applicants for funds under the Community Development Block Grant Program.

A. Title: CPD–35–78. 24 CFR Part 570. Community Development Block Grants for Indian Tribes and Alaskan Natives Housing Assistance Plan (HAP)

B. *Contact:* Marcia A. Brown, 202–755–6092.

C. *Federal Register Citation and Date of Final Action:* April 16, 1982 (47 FR 16321), effective May 12, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* HUD deleted its regulations which required that an application under the Indian CDBG Program include a HAP which would provide data on housing needs. The deletion was appropriate because of the Department's desire to reduce unnecessarily burdensome administrative requirements not required by statute.

A. Title: GNMA–1–82. 24 CFR Part 300. Addition to List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202–755–7260.

C. *Federal Register Citation and Date of Final Action:* January 29, 1982 (47 FR 4252) effective March 11, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current list of attorneys-in-fact to add one person for the Chicago regional area.

A. Title: GNMA–2–82. 24 CFR Part 300. Addition to List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202–755–7260.

C. *Federal Register Citation and Date of Final Action:* February 4, 1982 (47 FR 5226), effective March 18, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current lists of attorneys-in-fact to remove two persons and to add two persons for Washington, D.C.

A. Title: GNMA–3–82. 24 CFR Part 390. Graduated Payment Mortgage-Backed Securities

B. *Contact:* Warren Lasko, 202–755–5926.

C. *Federal Register Citation and Date of Final Action:* March, 29, 1982 (FR 13139), effective May 17, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Amends 24 CFR Part 390 to permit inclusion of graduated payment mortgages (FPMs) guaranteed by the Veterans Administration in mortgage pools under the GNMA Mortgage-Backed Securities Program.

A. Title: GNMA–4–82. 24 CFR Part 300. Addition to List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202–755–7260.

C. *Federal Register Citation and Date of Final Action:* October 2, 1981 (FR 48644), effective November 12, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current list of attorneys-in-fact to add one person for Region III.

A. Title: GNMA–5–82. 24 CFR Part 300. List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202–755–7260.

C. *Federal Register Citation and Date of Final Action:* April 21, 1982 (47 FR 17055), effective May 22, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current list of attorneys-in-fact by adding three names from the Atlanta, Philadelphia, and Chicago regional areas.

A. Title: GNMA–6–82. 24 CFR Part 300. List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202–755–7260.

C. *Federal Register Citation and Date of Final Action:* May 20, 1982 (FR 21784), effective date July 17, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current list of attorneys-in-fact by removing one name from the Philadelphia regional area.

A. Title: GNMA–7–82. 24 CFR Part 300. List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202–755–7260.

C. *Federal Register Citation and Date of Final Action:* August 9, 1982 (47 FR 34376), effective date September 28, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current list of attorneys-in-fact by adding names from Region III, VI, and IX.

A. Title: GNMA–8–81. 24 CFR Part 300. List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202–755–7260.

C. *Federal Register Citation and Date of Final Action:* August 5, 1981 (46 FR 39810), effective October 13, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current list of attorneys-in-fact by removing two names and adding one name from the Atlanta regional area.

A. Title: GNMA–1–81. 24 CFR Part 300. General (Introduction)

B. *Contact:* Warren A. Lasko, 202–755–5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Sets forth the general description of 1) the functions of the Government National Mortgage Association (GNMA), 2) its creation and status, 3) area of operations, and 4) the names of persons authorized to act as attorneys-in-fact for GNMA.

A. Title: GNMA–2–81. 24 CFR Part 310. Bylaws of the Government National Mortgage Association

B. *Contact:* Warren A. Lasko, 202–755–5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Bylaws governing the operation of GNMA.

A. Title: GNMA–3–81. 24 CFR Part 320. Description (Special Assistance Functions)

B. *Contact:* Warren A. Lasko, 202–755–5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Special assistance functions of GNMA, and the financing thereof, which are undertaken to retard a decline in mortgage lending and home building activities which threaten the national economy.

A. Title: GNMA–4–81. 24 CFR Part 330. Eligible Sellers of Mortgages

B. *Contact:* Warren A. Lasko, 202–755–5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Eligibility criteria for sellers of mortgages to be purchased by GNMA.

A. Title: GNMA–5–81. 24 CFR Part 340. Purchase Requirements.

B. *Contact:* Warren A. Lasko, 202–755–5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* General requirements and procedures governing the purchase by GNMA of mortgages under the Special Assistance Functions.

A. Title: GNMA–6–81. 24 CFR Part 350. Servicing and Sales of Mortgages

B. *Contact:* Warren A. Lasko, 202–755–5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Eligibility requirements for sellers to service GNMA Mortgages; and the standards governing the sale of GNMA owned mortgages to qualified investors.

A. Title: GNMA–7–81. 24 CFR Part 360. Description (Management and Liquidating Functions)

B. *Contact:* Warren A. Lasko, 202–755–5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* GNMA's authority to manage and liquidate portfolios of mortgages.

A. Title: GNMA–8–81. 24 CFR Part 370. Mortgage Activities

B. *Contact:* Warren A. Lasko, 202–755–5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Purchasing, servicing, and sales of mortgages undertaken by GNMA pursuant to its management and liquidating functions.

A. Title: GNMA–9–81. 24 CFR Part 390. Fiduciary Activities

B. *Contact:* Warren A. Lasko, 202–755–5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken

E. *Brief Abstract:* Provisions authorizing GNMA to act as a fiduciary in the management and liquidation of portfolios of mortgages.

A. Title: GNMA–10–81. 24 CFR Part 390. Guaranty of Mortgage-Backed Services

B. *Contact:* Warren A. Lasko, 202–755–5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Provisions governing the guaranty by GNMA of (1) passthrough type securities (2) bond type securities and (3) graduated payment mortgage-backed securities.

A. Title: GNMA–11–81. 24 CFR Part 300. List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202–755–7260.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Included in final rule listed as GNMA–7–92.

E. *Brief Abstract:* Would update the current list of attorneys-in-fact in Los Angeles, California. Final rule published January 6, 1981 (46 FR 1261) and withdrawn.

A. Title: GNMA–12–81. 24 CFR Part 300. GNMA Seal

B. *Contact:* Elton Peller, 202–755–5535.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Proposed rule no longer under development.

E. *Brief Abstract:* Would have adopted and described a corporate seal.

A. Title: ADM–1–78. 24 CFR Part 16. Privacy Act Procedures

B. *Contact:* Robert English, 202–755–5320.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. This revision was proposed during the previous Administration.

E. *Brief Abstract:* As part of a pilot project, the Office of General Counsel proposed to recodify in "plain English" HUD's regulations implementing the Privacy Act of 1974. A proposed rule was published in the Federal Register on July 21, 1980. The proposed recodity in "plain english" has been withdrawn.

A. Title: ADM–2–78. 41 CFR, Chapter 24. HUD Procurement

B. *Contact:* Craig E. Durkin, 202–755–5294.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. We do not expect to publish anything in the near future.

E. *Brief Abstract:* The Office of Federal Procurement Policy (OFPP) in the Office of Management and Budget is consolidating the Federal Procurement regulations and the Armed Services Procurement regulations into the Federal Acquisition regulations (FAR). Once that is published, HUD will revise its procurement regulations accordingly. However, the FAR is behind schedule to such an extent that a realistic publication date can no longer be estimated.

A. Title: NCDC–1–81. 24 CFR Part 720. Financing Public and Private New Community Development

B. *Contact:* Diane Esanu, 202–755–7920.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. Program is being liquidated and all obligations terminated. Therefore no further review of rule needed.

E. *Brief Abstract:* No action to be taken.

A. Title: FH&EO–6–82. 24 CFR Part 115. Recognition of Substantially Equivalent Laws—One State and Twenty Localities

B. *Contact:* Steven J. Sacks, 202–426–3500.

C. *Federal Register Citation and Date of Final Action:* August 4, 1982 (47 FR 33682), effective September 22, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* This regulation recognized one additional State and twenty localities as having substantially equivalent fair housing laws.

A. Title: FH&EO–1–81. 24 CFR Part 115. Recognition of Substantially Equivalent Laws—Two States and Eight Localities

B. *Contact:* Steven J. Sacks, 202–426–3500.

C. *Federal Register Citation and Date of Final Action:* September 18, 1981 (46 FR 46316), effective September 13, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* This regulation recognized two additional States and eight localities as having substantially equivalent fair housing laws.

A. Title: FH&EO–1–80. CFR Part III. Fair Housing Assistance Program—Eligibility Criteria and Funding Standards

B. *Contact:* Steven J. Sacks, 202–426–3500.

C. *Federal Register Citation and Date of Final Action:* March 3, 1982 (47 FR 8991), effective April 2, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* This regulation describes the FHAP program and funding criteria for Type I and II non-competitive and competitive funding.

A. Title: FH&EO–7–78. 24 CFR Part 114. Fair Housing—Land Use and Zoning Practices

B. *Contact:* Katrina Ross, 202–755–5673.

C. *Federal Register Citation and Date of Final Action:* ANPR published February 25, 1980 (45 FR 12265).

D. *Reason for Completion:* Withdrawn. Proposed rule no longer in preparation.

E. *Brief Abstract:* This regulation would have added a new subpart regarding applicability of Fair Housing Law to zoning and land use practices and indicate tests to be used by HUD in determining whether a violation has occurred.

[FR Doc. 82–28102 Filed 10–27–82; 8:45 am]

BILLING CODE 4210–01–M

federal register

Thursday
October 28, 1982

Part X

Department of the Interior

Office of the Secretary

Semiannual Agenda of Rules Scheduled for Review or Development

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Chs. I and XII

41 CFR Ch. 14

43 CFR Subtitle A, Chs. I and II

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Department of the Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between October 1982 and April 1983. A semiannual agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESS: Unless otherwise indicated, all Contacts are located at the Department of the Interior, 18th and C Streets NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Contact.

SUPPLEMENTARY INFORMATION: With this publication the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for review. Simultaneously the Department meets the requirement of the Regulatory Flexibility Act that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda. This incorporation of agendas is expressly allowed by Executive Order 12291.

Dated: September 24, 1982.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

ASSISTANT SECRETARY - POLICY, BUDGET, AND ADMINISTRATION

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **41 CFR 14-1, et seq.** *Title:* **Interior Procurement Regulations**

Abstract: The Interior Procurement Regulations shall be revised to conform to the Federal Acquisition Regulations, which shall replace the Federal Procurement Regulations, and are scheduled for publication in FY 1983.

Originally Scheduled: October 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: By memorandum dated December 15, 1981, the Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: William Opdyke 202-343-3433

CFR Citation: **41 CFR 14-1.6** *Title:* **Debarred, Suspended and Ineligible Bidders**

Abstract: Subpart 14-1.6 shall be revised to conform to the changes required by OFPP Policy Letter 82-1, dated June 24, 1982, and the corresponding amendment of the Federal Procurement Regulations.

Originally Scheduled: October 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: By memorandum dated December 15, 1981, the Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Metz 202-343-3345

CFR Citation: **41 CFR 14-1.7** *Title:* **Small Business Concerns**

Abstract: Section 14-1.706-1 will be revised to increase the dollar thresholds established for small business class set-aside procurements.

Originally Scheduled: October 1981

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: By memorandum dated April 8, 1981, The Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: William Opdyke 202-343-3433

OFFICE OF THE SOLICITOR

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 1** *Title:* **Practice Before the Department**

Abstract: This rule governs practice in administrative proceedings before the Department. It is being revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1464

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Deborah Ryan 202-343-5216

CFR Citation: **43 CFR Part 9** *Title:* **Intergovernmental Review of Federal Programs**

Abstract: The Department will promulgate rules to implement the intergovernmental cooperation requirements of E.O. 12372.

Originally Scheduled: October 1982

Legal Authority: E.O. 12372, 42 U.S.C. 4231

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities

under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: William H. Satterfield 202-343-4722

Timetable: Proposed rule scheduled to be published by January 1983; final rule to be published by April 30, 1983.

COMPLETED ACTIONS

CFR Citation: **43 CFR Part 2** *Title:* **Records and Testimony**

Abstract: This rule is being revised to: (1) reflect recent organization title changes; and (2) include various technical amendments.

Originally Scheduled: January 1981

Legal Authority: 5 U.S.C. 301, 552 and 552a; 31 U.S.C. 483a; 43 U.S.C. 1460

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robert E. Walter 202-343-5216

Timetable: Final rule was published August 31, 1982 (47 FR 38325).

CFR Citation: **43 CFR Part 22** *Title:* **Administrative Claims Under Federal Tort Claims Act**

Abstract: This part will be revised to remove subsection 22.1(b) which references an Appendix A that was previously removed from Title 43.

Originally Scheduled: October 1981

Legal Authority: 5 U.S.C. 301; 28 U.S.C. 2671-2680

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Deborah Ryan 202-343-5216

Timetable: Final rule was published August 31, 1982 (47 FR 38325).

OFFICE FOR EQUAL OPPORTUNITY

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 17, Subpart C** *Title:* **Nondiscrimination on the Basis of Age**

Abstract: This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving Federal financial assistance from the Department.

Originally Scheduled: January 1979

Legal Authority: 42 U.S.C. 6101; 45 CFR 90

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Alfred J. Poole 202-343-4331

Timetable: Proposed rule was published January 3, 1980 (45 FR 976).

COMPLETED ACTIONS

CFR Citation: **43 CFR Part 17, Subpart B** *Title:* **Nondiscrimination on the Basis of Handicap**

Abstract: This rule will set forth guidelines for nondiscrimination on the basis of handicap in programs or activities receiving Federal financial assistance from the Department.

Originally Scheduled: January 1979

Legal Authority: Sec. 504, Pub.L. 95-602; 29 U.S.C. 794

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Alfred J. Poole 202-343-4331

Timetable: Advance Notice of Proposed rulemaking was published April 13, 1979.

Proposed rule was published April 8, 1980 (45 FR 24074).

Final rule was published July 7, 1982 (47 FR 29542).

OFFICE OF HEARINGS AND APPEALS 4015 Wilson Boulevard, Arlington, Virginia 22203

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 4, Subpart A** *Title:* **General; Office of Hearings and Appeals**

Abstract: This rule is being revised to remove out of date references and to simplify language to comply with E.O. 12291 which mandates the review and revision, where necessary, of existing regulations.

Originally Scheduled: January 1980

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provsisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: F. Christopher Bockmon 703-235-3750

Timetable: Proposed rule was published May 27, 1980 (45 FR 35351).

A Notice withdrawing the proposed rule is scheduled to be published by October 1982.

CFR Citation: **43 CFR Part 4, Subpart E** *Title:* **Special Rules Applicable to Public Land Hearings and Appeals**

Abstract: Existing rules for public land hearings and appeals are being reviewed to determine the necessity for clarification and improvement. They will be revised to: place limitations on the filing of petitions for reconsideration; provide for intervention in appeals; and clarify procedures utilized when fact finding hearings are necessary.

Originally Scheduled: July 1979

Legal Authority: 43 U.S.C. 1201, 1701

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Julia A. Barrows 703-235-3750

CFR Citation: **43 CFR Part 4, Subpart E** *Title:* **Special Rules Applicable to Public Land Hearings and Appeals**

Abstract: This rule amends regulations governing hearings and

appeals to implement Secretarial Order No. 3078, dated April 29, 1982, abolishing the Alaska Native Claims Appeal Board and consolidating the functions of that Board under the jurisdiction of the Interior Board of Land Appeals effective June 30, 1982. The effect of these amendments is to ensure that uniform procedures apply to all appeals governed by this Subpart and to eliminate duplicative regulations.

To implement this internal organization change, the jurisdictional statement for the former Alaska Native Claims Appeal Board in Subpart A (43 CFR 4.1) is being removed and that for the Interior Board of Land Appeals, also in 43 CFR 4.1, is being revised. Regulations in 43 CFR Part 4, Subpart J, formerly applicable to appeals to the Alaska Native Claims Appeal Board, are being revoked and Subpart J will be reserved. References to the Alaska Native Claims Appeal Board and Subpart J in 43 CFR Part 2560 are being changed to Interior Board of Land Appeals and Subpart E.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1601-1628

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Julia A. Barrows 703-235-3750

Timetable: An Interim rule was published June 18, 1982 (47 FR 26390).

A final rule is scheduled to be published by December 31, 1982.

CFR Citation: **43 CFR Part 4, Subpart F**
Title: **Implementation of the Equal Access to Justice Act**

Abstract: These regulations will implement for the Department of the Interior the Equal Access to Justice Act. The Act provides for the award of attorney's fees and other expenses to certain parties who prevail over the Department in administrative adjudications conducted under section 554 of the Administrative Procedure Act.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 96-481; 5 U.S.C. 504

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Patrick Sheehy 703-235-3750

CFR Citation: **43 CFR Part 4, Subpart H**
Title: **Special Procedural Rules Applicable to Proceedings Conducted Pursuant to Enforcement of Executive Order 11375, and Rules and Regulations and Orders Issued Thereunder**

Abstract: This rule is being revoked to comply with Executive Order 12086 which transferred all functions under Executive Order 11246, as amended by Executive Order 11375, to the Department of Labor.

Originally Scheduled: January 1980

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: A proposal to revoke this rule was published May 27, 1980 (45 FR 35351).

CFR Citation: **43 CFR Part 4, Subpart K**
Title: **Special Procedural Rules Applicable to Contest Proceedings to Disenroll Alaska Natives**

Abstract: This rule will be revoked, because the deadline for disenrollment contest review (October 1, 1978) has passed. (See 25 CFR 43h.15(h))

Originally Scheduled: January 1980

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: A proposal to revoke this rule was published May 27, 1980 (45 FR 35351).

Final rule will be published when disenrollment cases currently pending in Federal courts are concluded.

CFR Citation: **43 CFR Part 4, Subpart L**
Title: **Special Rules Applicable to Surface Coal Mining Hearings and Appeals**

Abstract: Proposed rule has been developed to govern hearings and appeals provided for in the permanent regulatory program regulations (44 FR 15311, March 13, 1979).

Originally Scheduled: May 1978

Legal Authority: 30 U.S.C. 1211 (Supp. I, 1977)

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Alfred Jahns 703-235-3775

Timetable: Proposed rule was published January 14, 1981 (46 FR 3242).

COMPLETED ACTIONS

CFR Citation: **43 CFR Part 4, Subpart B**
Title: **General Rules Relating to Procedures and Practice**

Abstract: The general rules now existing in this Subpart are proposed for inclusion, where needed, in the several Subparts of 43 CFR Part 4 so that each Subpart can stand alone. When this has been done, Subpart B will be deleted.

Originally Scheduled: January 1979

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: Proposed rule was published May 27, 1980 (45 FR 35351).

A Notice withdrawing the proposed rule was published June 24, 1982 (47 FR 27086).

CFR Citation: **43 CFR Part 4, Subpart G** *Title:* **Special Rules Applicable to Other Hearings and Appeals**

Abstract: Existing rules are being clarified, simplified, and up-dated for appeals not within the appellate review jurisdiction of established appeals boards of the Office.

Originally Scheduled: July 1979

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: Proposed rule was published December 9, 1980 (45 FR 81074).

A Notice withdrawing the proposed rule was published June 23, 1982 (47 FR 27086).

CFR Citation: **43 CFR Part 4, Subpart I** *Title:* **Special Procedural Rules Applicable to Practice and Procedure for Hearings, Decisions and Administrative Review Under Part 17 of This Title**

Abstract: This rule is being revised to remove gender specific pronouns and to simplify language to comply with E.O. 12291 which mandates the review and revision, where necessary, of existing regulations.

Originally Scheduled: July 1980

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: Proposed rule was published May 27, 1980 (45 FR 35351).

A Notice withdrawing the proposed rule was published June 23, 1982 (47 FR 27086).

CFR Citation: **43 CFR Part 4, Subpart J** *Title:* **Special Rules Applicable to the Alaska Native Claims Settlement Act Hearings and Appeals**

Abstract: Existing rules are being amended to clarify procedures and simplify language, and to carry out Secretarial policy decisions on: (1) Alaska Native Claims Appeal Board jurisdiction over appeals by persons claiming rights under Section 14 (c) of the Alaska Native Claims Settlement Act; (2) requirements for standing to appeal; (3) standard of review and burden of proof; and, (4)procedure for hearings on questions of fact.

Originally Scheduled: January 1979

Legal Authority: 43 U.S.C. 1601 et seq.

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: Proposed rules were published February 8, 1979 (44 FR 7983) and March 2, 1979 (44 FR 11803).

A Notice withdrawing the proposed rules was published June 23, 1982 (47 FR 27086).

U.S. FISH AND WILDLIFE SERVICE

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **50 CFR Part 402** *Title:* **Endangered Species: Interagency Cooperation**

Abstract: The Endangered Species Act Amendments of 1978 and 1979 made some changes in the consultation requirements of Section 7. These proposed rules would amend existing rules governing Section 7 consultation by implementing changes required by the amendments, incorporating other procedural changes designed to improve interagency cooperation, and responding to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: July 1979

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Proposed rule will be published after the passage of legislation which is pending before the Congress.

CFR Citation: **50 CFR Parts 1 and 2** *Title:* **Definitions and Field Organization**

Abstract: These parts have been reviewed and will be updated to reflect the Service's closure of area offices.

Originally Scheduled: January 1981

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Arthur J. Ferguson 202-653-8770

CFR Citation: **50 CFR Part 10, Subpart B** *Title:* **General Provisions: Definitions**

Abstract: The list of migratory birds found at 50 CFR 10.13 would be amended by adding formerly unprotected species which are covered by the convention concluded with the Union of Soviet Socialist Republics for conservation of migratory birds and their environment. Also, the laughing gull, which was inadvertently omitted when the list was last revised, would be restored. Several species of birds belonging to groups protected under conventions concluded with Canada and Mexico have recently been found in the United States and would also be added to the list. The Mexican duck, which is no longer found in the United States, would be deleted from the list; Mexican-like ducks which are found in the Southwestern United States would continue to be protected as hybrids of the mallard, a migratory bird.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 704, 712

Determination Under E.O. 12291: The determination as to whether this

document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Rogers 202-254-3207

CFR Citation: **50 CFR Part 10** *Title:* **General Provisions**

Abstract: This part has been reviewed and will be revised to reflect changes made in the Service's law enforcement district locations and jurisdictions.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 703-711; 16 U.S.C. 742a-l; 16 U.S.C. 1531-43; 18 U.S.C. 42-44

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR Parts 11 and 12** *Title:* **Civil Procedures; Seizure and Forfeiture Procedures**

Abstract: As a result of review, the Service has determined that this rule should be revised in order to implement the Lacey Act Amendments of 1981.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1540; 18 U.S.C. 42; 16 U.S.C. 668-668dd, 704-718, 742, 1382, 3371-3378

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published September 15, 1982 (47 FR 40670).

CFR Citation: **50 CFR Part 13** *Title:* **General Permit Procedures**

Abstract: A revision of definitions, procedures and terms relative to issuance criteria found in Parts 10 through 23 of Title 50 in order to clarify, define, consolidate, and lend consistency insofar as practical, and placement of issuance criteria for all affected Parts (10 through 23) in Part 13 for the convenience of affected parties. Affected State, Federal and private parties as well as the Service have noted the need for clearly defined and consistent issuance criteria, consolidated insofar as practical, "in one place."

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 701 et seq., 1531 et seq.; 18 U.S.C. 42-44

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

Timetable: An advance notice of proposed rulemaking is scheduled to be published by December 31, 1982.

CFR Citation: **50 CFR Part 14** *Title:* **Importation, Exportation, and Transportation of Wildlife**

Abstract: The Service would revise 50 CFR Part 14 to make a number of changes involving: (1) the use of designated, border, or special ports, (2) the filing of import or export declarations, (3) the licensing of persons engaged in business as importers or exporters of fish or wildlife, and (4) marking and labeling containers or packages of fish or wildlife.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 704, 712, 16 U.S.C. 1382; 16 U.S.C. 1538(d)-(f); 16 U.S.C. 3371-3378

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR Part 14** *Title:* **Humane Transport of Wild Animals and Birds**

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifts authority for prescribing requirements for the humane and healthful transport of wild animals and birds from the Secretary of the Treasury to the Secretary of the Interior. This authority will be promulgated in Part 14.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 97-79, 95 Stat. 1073

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-2418

Timetable: A Notice announcing a public meeting was published February 26, 1982 (47 FR 8386).

A Notice of Intent to propose rules was published June 30, 1982 (47 FR 28431).

CFR Citation: **50 CFR Part 16** *Title:* **Injurious Wildlife**

Abstract: As a result of review, the Service has proposed adding the 'raccoon dog' (Nyctereutes procyonoides) to the list of injurious wildlife.

Originally Scheduled: January 1981

Legal Authority: 18 U.S.C. 42

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jim F. Gillett 202-632-7463

Timetable: A Notice requesting data on the species was published December 1, 1981 (46 FR 58348).

Proposed rule was published May 20, 1982 (47 FR 21892).

CFR Citation: **50 CFR Part 17, Subparts C and D** *Title:* **Endangered Wildlife; Threatened Wildlife**

Abstract: Self-defense rules found at 50 CFR 17.21 and 17.31 for endangered and threatened wildlife, respectively, would be revised to conform to the Endangered Species Act Amendments of 1978. Under the revision, the taking of endangered or threatened wildlife in good faith for the protection of oneself or others from bodily harm would be a

defense to a civil penalty assessment or a criminal prosecution.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 1540(a)-(b)

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: Unless otherwise indicated, the Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Pine Barrens treefrog (Delist) - Proposed rule was published September 15, 1982 (47 FR 40673).

Four Yaqui River fishes

Borax Lake chub - Proposed rule was published October 16, 1980 (45 FR 68886).

Chihuahua chub - Proposed rule was published December 15, 1980 (45 FR 82474).

Key Largo woodrat and Key Largo cotton mouse

Agave arizonica

Tree cactus (cereus robbinii)

Ashy dogweed

Johnston frankenia

Heliotrope milk-vetch - Proposed rule was published January 13, 1981 (46 FR 3188).

Osgood Mountains milk-vetch

Malheur wire-lettuce - Proposed rule was published October 31, 1980 (45 FR 72234).

Monito gecko - Proposed rule was published October 22, 1980 (45 FR 70192).

18 foreign reptiles

Madison Cave isopod - Proposed rule was published October 6, 1980 (45 FR 66410).

Utah prairie dog (Downlist)

Florida torreya

San Benito evening-primrose

Eight foreign mammals

12 Pacific islands birds and mammals

Least Bell's vireo

Kusche's fleabane and Blumer's dock

Silverling - Proposed rule was published October 27, 1980 (45 FR 70948).

Rigid white-topped aster

Bradshaw lomatium

Amargosa vole

Maguire fleabane

CFR Citation: **50 CFR Part 17, Subpart A** *Title:* **Endangered and Threatened Wildlife and Plants: Introduction and General Provisions**

Abstract: The Service will amend 50 CFR 17.4 to give pre-Act exempt status to wildlife which otherwise qualifies only if it was not held in the course of a commercial activity on or after December 28, 1973.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: Unless otherwise indicated, the Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Bidens cuneate- Proposed rule was published August 23, 1982 (47 FR 36675).

Diamond Head schiedea - Proposed rule was published August 23, 1982 (47 FR 36675).

Carter's panicgrass - Proposed rule was published January 30, 1981 (46 FR 9976); comment period was reopened July 29, 1982 (47 FR 32754).

Eight foreign birds

17 foreign birds (Reclassify)

Monte Neva Indian paintbrush

Fresno kangaroo rat

American Alligator (Texas)- Proposed rule was published September 13, 1982 (47 FR 40196).

Lakela's mint

Texas snowbells

Cliffrose

Flagstaff pennyroyal

San Francisco Peaks groundsel

Little Colorado River Spinedace

Warner sucker

Hutton Spring tui chub

Foskett Springs speckled dace

Desert pupfish

Desert dace

Ash Meadows speckled dace - Listed as endangered by emergency listing May 10, 1982 (47 FR 19995).

Laramie false sagebrush

Wyoming toad

Bonneville cutthroat

12 U.S. birds (Reclassify)

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: Unless otherwise indicated, the Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks, Jr. 703-235-2771

Timetable: Giant kangaroo rat

Modoc sucker

Railroad Valley springfish

White River spinedace

White River springfish

Bluntnose shiner
Loach minnow
Spikedace
Amargosa pupfish - Listed as endangered by emergency listing May 10, 1982 (47 FR 19995).
Big Springs spinedace
Fish Springs tui chub
Hiko White River springfish
Koki'o
Ko'oloa 'ula
Dwarf naupaka
Cyanea superba
Gardenia brighamii
Gouania hillebrandii
Pedate checker mallow
Slender petaled thelypodium
Uhiuhi
Barneby cat's-eye
Toadflax cress

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would reclassify or delist, as appropriate, certain speicies of fish or wildlife.
Originally Scheduled: October 1981
Legal Authority: 16 U.S.C. 1531-1543
Determination Under E.O. 12291: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.
Effects on Small Businesses and Other Entities: Unless otherwise indicated, the Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: John L. Spinks, Jr. 703-235-2771
Timetable: Columbia white-tailed deer
Red-browed parrot
Torquoise night parakeet
Pacific Island birds (5)
Santa Barbara song sparrow - Proposed rule was published August 9, 1982 (47 FR 34436).
Arctic peregrine falcon
Yuma clapper rail
Eastern brown pelican
Pecos gambusia
Longjaw cisco - Proposed rule was published May 25, 1982 (47 FR 22570).
Blue pike - Proposed rule was published May 25, 1982 (47 FR 22570).

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Rules will be developed to list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify critical habitat.
Originally Scheduled: April 1982
Legal Authority: 16 U.S.C. 1531 et seq.
Determination Under E.O. 12291: The determinations as to whether these documents are major rules under E.O. 12291 have not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether these documents will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: John L. Spinks 703-235-2771
Timetable: Kentucky cave shrimp - Proposed rule was published October 10, 1980 (45 FR 68975).
Wood stork - Notice of status review was published February 16, 1982 (47 FR 6675).
Large-flowered fiddleneck
San Mateo thornmint

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: This rule will be revised to return management of the Gray wolf (Canis lupus) to the State of Minnesota. The special rules that apply to the wolf in 50 CFR 17.40(d) will be modified.
Originally Scheduled: April 1982
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Ron Lambertson 202-343-4646
Timetable: Proposed rule was published July 14, 1982 (47 FR 30528).

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed that would list certain species of wildlife and plants as Endangered or Threatened species and, where prudent, would identify Critical Habitat.
Originally Scheduled: October 1982
Legal Authority: 16 U.S.C. 1531-1543
Determination Under E.O. 12291: The determinations as to whether these documents are major rules under E.O. 12291 have not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether these documents will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: John L. Spinks 703-235-2771
Timetable: Santa Cruz cypress
Beautiful goetzia
Paleback darter
Woodland caribou (U.S. population)
Lost River sucker
Shoshone sculpin
Owens tui chub
Alamo Canyon beardtongue
Quemador del pacifico
Clay-loving wild-buckwheat
58 foreign birds
Four foreign mammals

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed that would reclassify or remove from listed status certain species now listed as Endangered or Threatened species.
Originally Scheduled: October 1982
Legal Authority: 16 U.S.C. 1531-1543
Determination Under E.O. 12291: The determinations as to whether these documents are major rules under E.O. 12291 have not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether these documents will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: John L. Spinks 703-235-2771
Timetable: Bahamian swallowtail
Schaus' swallowtail
Merriam's Montezuma quail

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: 50 CFR 17.21(g), Captive-bred Wildlife, provides regulatory relief for activities that enhance the propagation or survival of living, captive-bred, exotic species listed as endangered and born in the U.S. There is also a provision by which certain specifically situated native species may be eligible. The Service recognizes that a number of native species that do not presently qualify for the benefits of this regulation are specifically situated such that their continued survival would be enhanced by being qualified; therefore, the Service will propose to establish criteria by which species are to be so qualified.
Originally Scheduled: October 1982
Legal Authority: 16 U.S.C. 1531-1543
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

CFR Citation: **50 CFR Part 18** *Title:* **Marine Mammals**

Abstract: The Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain lawfully taken marine mammals, including those taken by Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. Except for scientific research purposes, the rules would also prohibit exportation of raw parts of these marine mammals from Alaska and the sale of such parts, other than those that are edible, to persons other than resident Alaska Natives. These rules are necessary for management purposes.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 1382(a)

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: William C. Reffalt 202-632-7463

CFR Citation: **50 CFR Part 18** *Title:* **Marine Mammals**

Abstract: As a result of review and revisions to the Marine Mammal Protection Act, this rule will be revised to: (1) simplify the procedures for transfer of marine mammal management authority to the States; (2) determine if regulations concerning 'incidental taking' are necessary; and (3) detemine if regulations concerning waiver of the moratorium on importing marine mammals are necessary.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1371 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: William C. Reffalt 202-632-7463

Timetable: A Notice requesting data on 'incidental taking' was published March 8, 1982 (47 FR 9869).

Proposed rule was published May 12, 1982 (47 FR 20508).

CFR Citation: **50 CFR Part 18, Subpart D** *Title:* **Marine Mammals: Special Exceptions**

Abstract: This rule is being revised to ease the burden of permit procedures for scientific research and public display.

Originally Scheduled: January 1980

Legal Authority: 16 U.s.C. 1371-1407

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

CFR Citation: **50 CFR Part 18, Subpart H** *Title:* **Marine Mammals, Waiver of Moratorium on Taking and Importation of Individual Marine Mammal Species**

Abstract: The Service proposes to amend 50 CFR Part 18, Subpart H, by waiving import restrictions on legally taken polar bears (Ursus maritimus) from Canada. The best available information indicates that at least some populations of polar bears in Canada are at an 'optimum sustainable population' level, that the marine ecosystem supporting bears is being maintained, and that Canada manages polar bears in a manner consistent with these elements. Importation of polar bears from Canada has been determined to be consistent with sound principles of resource protection and conservation as provided in the purposes and policies of the Marine Mammal Protection Act.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 1361-1407

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: William C. Reffalt 202-632-7463

Timetable: A hearing pursuant to 50 CFR Part 18, Subpart G, will be held on the proposal to waive the import restrictions and the proposed regulations.

CFR Citation: **50 CFR Part 20** *Title:* **Migratory Bird Hunting**

Abstract: The Service will publish a series of documents establishing migratory bird hunting regulations for the 1983-84 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 703-711

Determination Under E.O. 12291: The determination as to whether these documents are major rules under E.O. 12291 have not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether these documents will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John P. Rogers 202-254-3207

Timetable: A Notice of Intent to propose frameworks is scheduled to be published by April 1983.

CFR Citation: **50 CFR Part 20, Subpart C** *Title:* **Taking**

Abstract: The Service will amend the hunting methods for taking migratory game birds to permit the use of crossbows.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 703-712

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published July 19, 1982 (47 FR 31282).

CFR Citation: **50 CFR Part 21, Subpart C** *Title:* **Migratory Bird Permits: Specific Permit Provisions**

Abstract: Adding additonal States to the States listed in 50 CFR 21.29(k) whose falconry laws have been

determined by the Director to meet or exceed the Federal minimum standards. In such States falconry is permitted under a system of joint Federal-State permits.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 703-712

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR Part 21** *Title:* **Migratory Bird Permits**

Abstract: Raptors (birds of prey) that were held in captivity or a controlled environment on November 10, 1978, and the offspring of these birds, are exempt from the prohibitions of the Endangered Species Act of 1973. Falconry permits (50 CFR 21.28) and Federal falconry standards (50 CFR 21.29) would be amended to allow exempted raptors to be used in the sport of falconry. A new section authorizing the issuance of raptor propagations permits would be added.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1538(b), 704 and 712

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR Part 22, Subpart C** *Title:* **Eagle Permits**

Abstract: Potential conflicts between the prohibitions of the Eagle Protection Act, 16 U.S.C. 668-668d, and resource development and recovery operations throughout the country, particularly future coal mining activities in the Western States, resulted in Congress amending the Act to allow the Secretary to promulgate regulations which permit the taking of golden eagle nests which interfere with resource development or recovery operations. To implement the amendment, the Service would amend Subpart C to allow and regulate the otherwise prohibited destruction or removal of golden eagle nests which interfere with resource development or recovery operations, if the nests are not under construction or occupied and the taking is compatible with the preservation of the golden eagle.

Originally Scheduled: May 1978

Legal Authority: 16 U.S.C. 668a

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published January 3, 1980 (45 FR 809).

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018-0022.

CFR Citation: **50 CFR Part 23** *Title:* **Endangered Species Convention**

Abstract: The regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora will be clarified and revised to incorporate certain recommendations of the Parties.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 1531-1543; TIAS 8249

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

CFR Citation: **50 CFR Part 23, Subpart C** *Title:* **Endangered Species Convention: Appendices**

Abstract: This rule would amend the list of species contained in 50 CFR 23 by removing from Appendix II the bobcat, which was listed in 1976 without supporting evidence and which is not a currently or potentially threatened species.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-43; TIAS 8249

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Richard L. Jachowski 202-653-5948

Timetable: Notice of potential United States proposal was published September 14, 1981 (46 FR 45652).

Proposed rule was published January 11, 1982 (47 FR 1242).

CFR Citation: **50 CFR Part 23, Subpart F** *Title:* **Export of Certain Species**

Abstract: This subpart lists States from which certain species listed in Appendix II of the Endangered Species Convention (CITES) may be exported. It is amended yearly.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531-43; TIAS 8249

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Richard L. Jachowski 202-653-5948

Timetable: Proposed rules were published August 20, 1982 (47 FR 36457) and August 31, 1982 (47 FR 38369).

CFR Citation: **50 CFR Part 23, Subpart C** *Title:* **Appendices**

Abstract: This subpart lists species included in Appendices I, II and III of the Endangered Species Convention (CITES). It is amended to reflect any charges in the Appendices that occur through the formal procedures established by the Convention. Most such charges occur biennially at meetings of the party nations.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531-1543; TIAS 8249

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a

substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard L. Jachowski 202-653-5988

Timetable: Preliminary Notices were published February 16, 1982 (47 FR 6772), February 17, 1982 (47 FR 7190) and April 2, 1982 (47 FR 14472).

CFR Citation: **50 CFR Part 23** *Title:* **Endangered Species Convention**

Abstract: The Convention requires the issuance of an original permit for the export of listed species. These have been issued by the Service's Federal Wildlife Permit Office (WPO) located in Washington, D.C., since U.S. implementation of the Convention in 1977. A large volume of trade occurs in some Appendix II species which requires the quick issuance of permits so that businessmen may react to favorable market conditions. WPO therefore designed a trial system in 1980 whereby permits could be issued to exporters very quickly at the time and place of export under a Letter of Authorization (LOA) issued by WPO, or in other cases, from WPO's office under a 'Dial-a-Permit' (DAP). The Service believes it has gained sufficient experience with the LOA and DAP systems of issuing permits and wishes to continue the systems through a rulemaking.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

CFR Citation: **50 CFR Part 24** *Title:* **Importation, Exportation and Transportation of Plants**

Abstract: This part will establish designated ports for the importation, exportation and re-exportation of plants.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR 26, Subpart C** *Title:* **National Wildlife Refuges**

Abstract: The emergency management rules for the twelve areas in Alaska, which were withdrawn and reserved as National Wildlife Refuges, will be rescinded.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 668dd et seq.; Section 204(c), Withdrawal Proclamation of February 11, 1980 (45 FR 9562)

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

Timetable: Emergency rule was published March 4, 1980 (45 FR 14192).

CFR Citation: **50 CFR Parts 26, 32 and 33** *Title:* **Public Entry and Use, Hunting and Fishing**

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process in which special regulations, relating to public access and use, hunting and fishing, are issued for units of the National Wildlife Refuge System. Regulations will be issued to amend or relax the public access and use restrictions for individual national wildlife refuges.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 27** *Title:* **Prohibited Acts**

Abstract: Regulations will be proposed to prohibit the possession of any animal or plant on a National Wildlife Refuge except as authorized by 50 CFR Subchapter C.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 29, Subpart A** *Title:* **Land Use Management: General Rules**

Abstract: This subpart will be revised to include new rules which govern non-Federal activities affecting conservation easements.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 29, Subpart C** *Title:* **Mineral Operations**

Abstract: This subpart will be revised to include new rules which govern mining on areas within the National Wildlife Refuge System.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4791

Timetable: Proposed rule was published December 31, 1980 (45 FR 86512).

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **50 CFR Part 29, Subpart B**
Title: **Rights-of-Way General Regulations**

Abstract: 50 CFR 29.21-8 is being revised to remove (c), (d) and (e) requiring wheeling stipulations for rights-of-way for electric power transmission lines of 66 kv or greater. This will enable the Service to expedite the granting of some rights-of-way and still protect the lands for management purposes. Also, minor corrections will be made to the regulation.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 668dd, as amended

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Walter R. McAllester 202-272-3365

CFR Citation: **50 CFR Part 32, Subpart A**
Title: **Hunting: General Provisions**

Abstract: This subpart will be revised to rescind a closure of Malheur National Wildlife Refuge, Oregon, which was previously closed to migratory bird hunting.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 704

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4971

CFR Citation: **50 CFR Part 32, Subparts B and C** *Title:* **Migratory Game Bird Hunting; Resident Game Hunting**

Abstract: Regulations will be proposed which would add the following National Wildlife Refuges (NWR) to the list of:

Open areas (migratory game birds) -

Delta NWR, LA; Washita NWR, OK; San Francisco Bay NWR, CA; Lower Suwannee NWR, FL; Minnesota Valley NWR, MN

Open areas (upland game) -

Lower Suwannee NWR, FL; Choctaw NWR, AL; Rachel Carson NWR, ME; Minnesota Valley NWR, MN; Carolina Sandhills NWR, SC

Open areas (big game) -

Lower Suwannee NWR, FL; Hagerman NWR, TX; Choctaw NWR, AL; Minnesota Valley NWR, MN

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4971

CFR Citation: **50 CFR Part 32, Subpart A**
Title: **Hunting: General Provisions**

Abstract: Regulations will be preposed which would amend a closure of Delta National Wildlife Refuge (Louisiana), previously closed to migratory bird hunting.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 460k, 668dd et seq., 742a

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4971

CFR Citation: **50 CFR Part 32** *Title:* **Hunting**

Abstract: Rules will be proposed which would add the following national wildlife refuges (NWR) to the list of:

Open areas (migratory game birds) -

Black Coulee NWR, MT; Creedman Coulee NWR, MT; Hailstone NWR, MT; Halfbreed Lake NWR, MT; Hewitt Lake NWR, MT; Lake Thibadeau NWR, MT; War Horse NWR, MT

Open areas (upland game) -

Black Coulee NWR, MT; Creedman Coulee NWR, MT; Hailstone NWR, MT; Halfbreed Lake NWR, MT; Hewitt Lake NWR, MT; Lake Mason NWR, MT; Lake Thibadeau NWR, MT; War Horse NWR, MT

Open areas (big game) -

Black Coulee NWR, MT; Creedman Coulee NWR, MT; Hailstone NWR, MT; Halfbreed NWR, MT; Hewitt Lake NWR, MT; Lake Mason NWR, MT; Lake NWR, MT; Lake Thibadeau NWR, MT; Loxahatchee NWR, FL; War Horse NWR, MT

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 460k, 668dd et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 32, Subpart C**
Title: **Resident Game Hunting**

Abstract: Regulations will be proposed which add the following National Wildlife Refuge to the list of open areas (upland game): Lake Zahl NWR, ND.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 32, Subpart A**
Title: **Hunting: General Provisions**

Abstract: These regulations will be revised to rescind the Lake St. Clair NWR, MI, Closed Area and revise the Pee Dee NWR, NC, Closed Areas.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 704

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities

under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 32** *Title:* Hunting

Abstract: Regulations will be proposed which would add Trempeleau National Wildlife Refuge to the list of open areas (migratory game birds, upland game and big game).

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 33** *Title:* Sport Fishing

Abstract: Rules will be proposed which add the following national wildlife refuges (NWR) to the list of:

Open areas (sport fishing) -

Black Coulee NWR, MT; Bon Secour NWR, AL; Creedman Coulee NWR, MT; Eufaula NWR, AL and GA; Hailstone NWR, MT; Halfbreed Lake NWR, MT; Hewitt Lake NWR, MT; Lake Mason NWR, MT; Lake Mason NWR, MT; Lake Thibadeau NWR, MT; Shelburne NWR, MN; Tinicum National Environmental Center, PA; War Horse NWR, MT; San Bernard NWR, TX; Texas Point NWR, TX

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 460k, 668dd et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4971

CFR Citation: **50 CFR Part 33** *Title:* Sport Fishing

Abstract: Regulations will be proposed which add the following National Wildlife Refuges (NWR) to the list of open areas (sport fishing): Prime Hook NWR, DE; Nisqually NWR, WA.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 33** *Title:* Sport Fishing

Abstract: Regulations will be issued for sport fishing on individual wildlife refuge areas.

Originally Scheduled:

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 36** *Title:* Alaska National Wildlife Refuges

Abstract: Regulations will be proposed to implement Section 1008 of the Alaska Land Act concerning oil and gas leasing program for non-North Slope Federal lands.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 3101

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4971

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **50 CFR Part 36** *Title:* Alaska National Wildlife Refuges

Abstract: Regulations will be proposed for public access and use recreation for individual Alaska National Wildlife Refuges.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 460k; Pub.L. 96-487

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 37** *Title:* Alaska National Wildlife Refuges

Abstract: Rules will be proposed to implement section 1002 of the Alaska Lands Act concerning seismic exploration on the Arctic National Wildlife Refuge.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 96-487

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4791

Timetable: Proposed rule was published September 16, 1982 (47 FR 41060).

CFR Citation: **50 CFR Part 83** *Title:* Fish and Wildlife Conservation Act of 1980

Abstract: This rule will provide for financial and technical assistance to the 50 States, 6 Territories and the District of Columbia for the development, revision and implementation of conservation plans for nongame fish and wildlife, as provided for by the Fish and Wildlife Conservation Act of 1980.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 2901

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles K. Phenicie 703-235-1526

Timetable: The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018-0048.

Proposed rule was published April 6, 1982 (47 FR 14739).

CFR Citation: **50 CFR Parts 96-106** *Title:* **Alaska National Wildlife Monuments**

Abstract: These rules, which would have provided the general land management regulations for Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Originally Scheduled: July 1979

Legal Authority: 16 U.S.C. 432; 16 U.S.C. 742(f); 16 U.S.C. 460k3; Presidential Proclamations of December 1, 1978 (43 FR 57009); 16 U.S.C. 3101

Determination Under E.O. 12291: The Department of the Interior previously determined that these regulations were not significant under the provisions of E.O. 12044. They will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rules that were published on June 28, 1979.

Agency Contact: James F. Gillett 202-343-4791

Timetable: Notice of Intent was published February 28, 1979 (44 FR 11247).

Proposed rules were published June 28, 1979 (44 FR 37754).

CFR Citation: **50 CFR Part 107** *Title:* **Alaska National Wildlife Monuments: Minerals Management**

Abstract: This rule, which would have governed mining in Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 432; 16 U.S.C. 742(f); 30 U.S.C. 21 et seq.; Presidential Proclamations of December 1, 1978 (43 FR 57019, 57119); 30 U.S.C. 612; 16 U.S.C. 3101

Determination Under E.O. 12291: The Department of the Interior previously determined that this rule was not significant under the provisions of E.O. 12044. It will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rule that was published on January 11, 1980.

Agency Contact: James F. Gillett 202-343-4791

Timetable: Notice of Intent was published February 28, 1979 (44 FR 11247).

Proposed rule was published January 11, 1980 (45 FR 2616).

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **50 CFR Chapters I and IV** *Title:* **Endangered Species Act Rules**

Abstract: On August 12, 1981, Vice President Bush announced that the Departments of the Interior and Commerce would conduct a review of procedures implementing the Endangered Species Act to determine whether they meet the objectives of E.O. 12291. This review will evaluate suggested changes in the statute, existing or proposed rules, management practices, or inter- and intra-agency agreements, and will determine what actions are necessary to attain the objectives of E.O. 12291.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1531 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ronald E. Lambertson 202-343-4646

CFR Citation: **50 CFR Part 3** *Title:* **Nondiscrimination: Contracts, Permits and Facilities**

Abstract: This part, which is scheduled for review, prohibits discrimination in contracts, permits and use of facilities of the Service.

Originally Scheduled: January 1981

Legal Authority: 5 U.S.C. 301; 42 U.S.C. 2000d-1; E.O. 10925; E.O. 11114

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Samuel Lyons 202-343-5486

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: The Service is reviewing the status, as required by the Endangered Species Act, of wildlife and plants that were listed as endangered or threatened at least once every five years. Based on the reviews, the species determined to have a change in status will be proposed for more or less restrictive listing, as appropriate.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John L. Spinks 703-235-2771

CFR Citation: **50 CFR Part 17, Subpart D** *Title:* **Threatened Wildlife**

Abstract: At the request of State, Federal and private parties, the special rule on the American alligator, found in 50 CFR 17.42(a), will be reviewed in order to determine whether to revise or revoke certain prohibitions and procedures. Areas to be considered during the review include: present prohibitions on export of meat and parts other than hides; need for serially numbering each tag applied to hides; need for a Federal permit to kill alligators legally held under State Alligator Farmer permits; and use of data collected from reports required of permittees.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1903

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: While listed specimens found dead may be salvaged without permit for scientific purposes by qualified parties, the area of consideration for revision of this Part requires the issuance of permits for the import or export of such specimens or their parts such as blood, tissue, sperm, etc. The Service wishes to review these restrictions to determine whether or not they are in the best interest of the

enhancement of the survival of listed species. Affected parties f the scientific community have commented on the seeming counterproductive effect of the restrictions of these regulations. The Service has therefore agreed to review pertinent parts in order to determine the need, if any, to revise the regulations.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

CFR Citation: **50 CFR Parts 25-31** *Title:* **Administrative Provisions; Public Entry and Use; Prohibited Act; Enforcement, Penalty and Procedural Requirements; Land Use Management**

Abstract: These parts, which are scheduled for review, provide a variety of administrative functions of the National Wildlife Refuge System.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 685, 690d, 725, and 460k

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

COMPLETED ACTIONS

CFR Citation: **50 CFR Part 410** *Title:* **Fish and Wildlife Coordination Act**

Abstract: Rules will be promulgated which will establish uniform procedures for Federal agency compliance with the Fish and Wildlife Coordination Act (FWCA). The President's Water Policy Message of June 6, 1978, and the President's Water Policy Memorandum dated July 12, 1978, directed the publication of these rules. These rules would standardize agency procedures and interagency relationships in the analysis of the impacts of Federal or federally-approved, water-related projects upon wildlife resources. They relate closely to the procedures established for compliance with the National Environmental Policy Act (NEPA).

On August 12, 1981, Vice President Bush announced that the Departments of the Interior and Commerce would conduct a review of procedures implementing the Fish and Wildlife Coordination Act to determine whether they meet the objectives of E.O. 12291. This review will evaluate suggested changes in the statute, existing or proposed rules, management practices, or inter- and intra-agency agreements, and will determine what actions are necessary to attain the objectives of E.O. 12291.

Originally Scheduled: January 1979

Legal Authority: 16 U.S.C. 661 et seq; 42 U.S.C. 4332(2)(A)-(B); President's Memorandum on Environmental Quality and Water Resources Management, July 12, 1978

Agency Contact: Rolf Wallenstrom 202-343-4767

Timetable: Notice of Intent was published September 29, 1978 (43 FR 44870).

Proposed rule and notice of availability of a draft EIS were published December 19, 1980 (45 FR 83412).

A Notice re-opening the comment period to March 25, 1981 was published March 4, 1981 (46 FR 15188).

A Notice announcing the review of this rule and related procedures was published September 18, 1981 (46 FR 46411).

A Notice withdrawing the proposed rule was published July 19, 1982 (47 FR 31299).

CFR Citation: **50 CFR Parts 13-18 and 21-23** *Title:* **Permit Procedures**

Abstract: These parts would be revised (1) to provide consolidated permit requirements common to all parts into Part 13; (2) to revise the schedule of fees to accompany permit applications; and (3) to establish an appeals procedure for denials of permit applications.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 703-11; 16 U.S.C. 742a-l; 16 U.S.C. 1531-43; 18 U.S.C. 42-44

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Richard M. Parsons 703-235-1937

Timetable: Proposed rule was published September 18, 1981 (46 FR 46361).

Final rule was published July 15, 1982 (47 FR 30782).

CFR Citation: **50 CFR Part 17, Subpart D** *Title:* **Threatened Wildlife**

Abstract: Revision of threatened wildlife regulations to allow exceptions for certain non-commercial imports; revision of special rule for African elephant to focus regulations on imports.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Agency Contact: Richard M. Parsons 703-235-1937

Timetable: Proposed rule was published July 17, 1981 (46 FR 37059; Correction was published August 25, 1981 (46 FR 42887).

Final rule was published July 20, 1982 (47 FR 31384).

CFR Citation: **50 CFR Part 20** *Title:* **Migratory Bird Hunting**

Abstract: The Service will publish a series of documents establishing migratory bird hunting regulations for the 1982-83 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 703-711

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are major rules under E.O. 12291. These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these rules will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners leasing hunting rights, and

mail order houses selling hunting equipment and supplies.

The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the analysis are available from the Contact.

Agency Contact: John P. Rogers 202-254-3207

Timetable: A Notice of Intent to propose frameworks was published April 19, 1982 (47 FR 16718).

Proposed frameworks were published June 15, 1982 (47 FR 25922), July 12, 1982 (47 FR 30162) and August 20, 1982 (47 FR 36578).

Final frameworks were published July 19, 1982 (47 FR 31282), August 9, 1982 (47 FR 34498) and September 17, 1982 (47 FR 41252).

Final rules were published August 30, 1982 (47 FR 38246) and September 27, 1982.

The summary of the updated, combined final small entity flexibility analysis and final regulatory analysis was contained in the first proposed rulemaking document published April 19, 1982 (47 FR 16718).

CFR Citation: **50 CFR Part 12, Subpart D** *Title:* **Disposal of Forfeited or Transferred Property**

Abstract: Property (including wildlife, equipment, cargo, vessels, or aircraft) forfeited or transferred to the United States under the provisions of 50 CFR Part 12 would be subject to disposal at the discretion of the Director by any of the following means: (1) utilization by the Service for official purposes; (2) transfer to another government agency for official use; (3) conditional loan; (4) sale (except wildlife listed as 'endangered' in 50 CFR 17.11, listed in Appendix I in 50 CFR 23.23, protected under the Migratory Bird Treaty Act, or protected under the Eagle Protection Act); (5) destruction; and, (6) return to the wild in the case of live wildlife.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 742l

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published September 21, 1981 (46 FR 46361).

Final rule was published April 23, 1982 (47 FR 17521).

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Ocelot (U.S. population) - Proposed rule was published July 25, 1980 (45 FR 49844). Final rule was published July 21, 1982 (47 FR 31670).

'Ewa Plains 'akoko - Proposed rule was published September 2, 1980 (45 FR 58166). Final rule was published August 24, 1982 (47 FR 36846).

Navasota ladies'-tresses - Proposed rule was published June 18, 1980 (45 FR 41326). Final rule was published May 6, 1982 (47 FR 19539).

McKittrick pennyroyal - Proposed rule was published August 15, 1980 (45 FR 54682). Final rule was published July 13, 1982 (47 FR 30440).

Hawksbill sea turtle (Critical Habitat) - Proposed rule was published October 22, 1980 (45 FR 70198). Final rule was published June 24, 1982 (47 FR 27295).

North Park phacelia - Proposed rule was published September 2, 1980 (45 FR 58168). Final rule was published September 1, 1982 (47 FR 38540).

Small-whorled pogonia - Proposed rule was published September 11, 1980 (45 FR 59909). Final rule was published September 10, 1982 (47 FR 39827).

Short-tailed albatross (U.S. population) - Proposed rule was published July 25, 1980 (45 FR 49844). Proposed rule was withdrawn September 17, 1982 (47 FR 41145).

Thick-billed parrot (U.S. population) - Proposed rule was published July 25, 1980 (45 FR 49844). Proposed rule was withdrawn September 17, 1982 (47 FR 41145).

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Tecopa pupfish (Delist) - Proposed rule was published July 3, 1978 (43 FR 28841). Final rule was published January 15, 1982 (47 FR 2317).

CFR Citation: **50 CFR Part 20** *Title:* **Non-Toxic Shot Areas for Waterfowl Hunting**

Abstract: This rule will be revised to describe areas in four States where non-toxic shot is required for waterfowl hunting. The proposed amendment is in response to requests in February 1982 by the wildlife agencies in Maine, Massachusetts, Nebraska, and Indiana (20.108).

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 703-711

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robert I. Smith 202-254-3207

Timetable: Proposed rule was published April 12, 1982 (47 FR 15614).

Final rule was published July 28, 1982 (47 FR 32546).

CFR Citation: **50 CFR Part 80** *Title:* **Restoration of Game Birds, Fish and Mammals**

Abstract: Current rules will be revised which are applicable to State fish and wildlife agencies for participation in these grants-in-aid programs. The revised rules are intended to simplify

language and to make certain technical changes.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 669 et seq.; 16 U.S.C. 777 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles K. Phenicie 703-235-1526

Timetable: Proposed rule was published August 28, 1980 (45 FR 57471).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1018-0007 and 1018-0048.

Final rule was published May 25, 1982 (47 FR 22538).

CFR Citation: **50 CFR Part 91** *Title:* **Migratory Bird Hunting and Conservation Stamp Contest**

Abstract: The Service will revise the annual 'Duck Stamp' Contest rules to include a requirement that entrants submit a $20.00 entry fee. Also included are administrative revisions to improve management of and to clarify the contest.

Originally Scheduled: April 1982

Legal Authority: 5 U.S.C. 301; 16 U.S.C. 703-718

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Mattoon 202-343-5634

Timetable: Proposed rule was published April 20, 1982 (47 FR 16810).

Final rule was published June 21, 1982 (47 FR 26635).

NATIONAL PARK SERVICE

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **36 CFR Part 1** *Title:* **Miscellaneous Provisions**

Abstract: This part contains miscellaneous provisions, definitions and penalties that are applicable to Parts 1-7 of Title 36.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Proposed rule was published March 17, 1982 (47 FR 11598).

CFR Citation: **36 CFR Part 2** *Title:* **Public Use and Recreation**

Abstract: This part contains the general provisions that are applicable to public use of all units within the National Park System.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Proposed rule was published March 17, 1982 (47 FR 11598).

CFR Citation: **36 CFR Part 3** *Title:* **Boating**

Abstract: This rule will align all Service boating regulations concerning equipment with the provisions of the Federal Boat Safety Act and will revise operational rules.

Originally Scheduled: May 1978

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Proposed rule was published March 17, 1982 (47 FR 11598).

CFR Citation: **36 CFR Part 4** *Title:* **Vehicles and Traffic Safety**

Abstract: This Part contains provisions relating to vehicle use and safety related to it within all National Park System units.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Maureen Finnerty 202-343-4874

CFR Citation: **36 CFR Part 6** *Title:* **Miscellaneous Fees**

Abstract: This Part contains provisions relating to visitor use, and entrance fees and fees charged for commercial motor vehicles.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1, 3, 9a, 17j-2, 462

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Maureen Finnerty 202-343-4874

CFR Citation: **36 CFR Part 7** *Title:* **Special Regulations, Areas of the National Park System**

Abstract: Expected adoption of revised general regulations (47 FR 11598) for areas administered by the National Park Service may eliminate as many as 225 special regulations from 36 CFR Part 7.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Maureen Finnerty 202-343-4874

CFR Citation: **36 CFR Part 7** *Title:* **Acadia National Park: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: January 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: George Sites, North Atlantic Regional Office, National Park Service, 15 State Street, Boston, MA 02109, 617-223-3765
Timetable: Proposed rule was published March 15, 1982 (47 FR 11040).

CFR Citation: **36 CFR Part 7** *Title:* **Big Cypress National Park: Indian Use and Occupancy**

Abstract: This rule will define the statutory rights of the Miccosukee and Seminole Indians within the reserve (7.86).
Originally Scheduled: January 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916
Timetable: Proposed rule was published November 12, 1981 (46 FR 55709).

CFR Citation: **36 CFR Part 7** *Title:* **Big Cypress National Preserve: Camp Structures**

Abstract: This rule will result in a change to existing regulations which will remove the automatic termination date of the permits and allow the Service to issue new permits to individual owners for 2-5 year periods.
Originally Scheduled: April 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

CFR Citation: **36 CFR Part 7** *Title:* **Big Cypress National Preserve: Off-Road Vehicles**

Abstract: This rule pertains to the use of off-road vehicles within the preserve.
Originally Scheduled: April 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: John Reed, Southeast Regional Office, Natinal Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

CFR Citation: **36 CFR Part 7** *Title:* **Bighorn Canyon National Recreation Area: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the recreation area.
Originally Scheduled: July 1980
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The effects of this docment were previously considered under the provisions of E.O. 12044, which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303-234-3068
Timetable: Proposed rule was published January 6, 1981 (46 FR 1312).

CFR Citation: **36 CFR Part 7** *Title:* **Black Canyon of the Gunnison National Monument: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: July 1980
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303-234-3068

CFR Citation: **36 CFR Part 7** *Title:* **Cedar Breaks National Monument: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: January 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303-234-3068
Timetable: Proposed rule was published August 30, 1982 (47 FR 38156).

CFR Citation: **36 CFR Part 7** *Title:* **Everglades National Park: Use of Airboats**

Abstract: This rule will provide for the use of airboats along the stairstep Airboat Trails within the park.
Originally Scheduled: April 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

CFR Citation: **36 CFR Part 7** *Title:* **Fire Island National Seashore: Off-Road Vehicles**

Abstract: This rule will amend existing regulations pertaining to off-road vehicle use by designating routes for their use.
Originally Scheduled: October 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: George Sites, North Atlantic Regional Office, National Park Service, 15 State St., Boston, MA 02109, 617-223-3765

CFR Citation: **36 CFR Part 7** *Title:* **Glacier Bay National Park and Preserve: Humpback Whale**

Abstract: This rule will protect declining populations of the humpback whale by restricting some fishing activities and prohibiting bottom trawling.
Originally Scheduled: April 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 7, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Bill Tanner, Alaska Regional Office, National Park Service, 540 W. 5th Avenue, Anchorage, AK 99501, 907-271-4551
Timetable: Proposed rule was published December 29, 1980 (45 FR 85480).

CFR Citation: **36 CFR Part 7** *Title:* **Grand Portage National Monument: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: July 1980
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street., Omaha, NE 68102, 402-864-3476
Timetable: Proposed rule was published May 4, 1982 (47 FR 19171).

CFR Citation: **36 CFR Part 7** *Title:* **Grand Teton National Park: Snowmobiles**

Abstract: This rule will provide for winter snowmobile travel that is consistent with both the Service snowmobile policy and the off-road vehicle policy of the Department (7.22).
Originally Scheduled: July 1980
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303-234-3068
Timetable: Advance notice of proposed rulemaking was published May 14, 1980.
Proposed rule was published March 1, 1982 (47 FR 8600).

CFR Citation: **36 CFR Part 7** *Title:* **Great Smoky Mountains National Park: Fishing**

Abstract: This rule will be revised to delete reference to activities which will result in a simplification by combining and streamling numerous regulatory provisions, and will loosen some restrictions on fishing in order to allow more utilization of the resource.
Originally Scheduled: April 1982
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

CFR Citation: **36 CFR Part 7** *Title:* **Herbert Hoover National Historic Site: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: January 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476
Timetable: Proposed rule was published March 1, 1982 (47 FR 8602).

CFR Citation: **36 CFR Part 7** *Title:* **John D. Rockefeller Memorial Parkway: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles on the parkway.
Originally Scheduled: October 1981
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303-234-3068
Timetable: Proposed rule was published March 1, 1982 (47 FR 8603).

CFR Citation: **36 CFR Part 7** *Title:* **North Cascades National Park: Snowmobiles**

Abstract: This rule will provide for snowmobile use within the park.
Originally Scheduled: October 1981.
Legal Authority: 16 U.S.C. 3
Determination Under E.O. 12291: The determination as to whether this document is a major rule has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Chuck Woodbury, Pacific Northest Regional Office, National Park Service, Westin Bldg., Room 1920, 2001 6th Avenue, Seattle, WA 98121, 206-442-4832

CFR Citation: **36 CFR Part 7** *Title:* **Olympic National Park: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Chuck Woodbury, Pacific Northwest Regional Office, National Park Service, Westin Bldg., Room 1920, 2001 6th Avenue, Seattle, WA 98121, 206-442-4832

Timetable: Proposed rule was published April 21, 1982 (47 FR 17077).

CFR Citation: **36 CFR Part 7** *Title:* **Olympic National Park: Fishing**

Abstract: This rule will provide for an adjustment of seasons and limits to respond to fish runs and Indian treaty. The run strength is to be determined by state, Indian and tribal biologists.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Chuck Woodbury, Pacific Northwest Regional Office, National Park Service, Westin Bldg., Room 1920, Seattle, WA 98121, 206-442-4832

Timetable: Proposed rule was published July 21, 1982 (47 FR 31584).

A correction to the proposed rule was published August 19, 1982 (47 FR 36228).

CFR Citation: **36 CFR Part 7** *Title:* **Perry's Victory and International Peace Memorial: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published April 14, (47 FR 16048).

CFR Citation: **36 CFR Part 7** *Title:* **Pictured Rocks National Lakeshore: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published April 14, 1982 (47 FR 16047).

CFR Citation: **36 CFR Part 7** *Title:* **St. Croix National Scenic Riverway: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under e.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published March 1, 1982 (47 FR 8605).

CFR Citation: **36 CFR Part 7** *Title:* **Valley Forge National Historic Park: Alcoholic Beverages**

Abstract: This rule will prohibit the use of alcoholic beverages within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jim Brady, Mid-Atlantic Regional Office, National Park Service, 143 South 3rd Street, Philadelphia, PA 19106 218-597-7057

Timetable: Proposed rule was published November 5, 1980 (45 FR 73518).

CFR Citation: **36 CFR Part 7** *Title:* **Yosemite National Park: Fish Management Waters**

Abstract: This rule is being revised to rescind the regulations relating to experimental fish mangement waters in Yosemite National Park, California (7.16).

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415-556-1866

Timetable: Proposed rule was published August 4, 1980 (45 FR 51618).

CFR Citation: **36 CFR Part 7** *Title:* **Yosemite National Park: Law Enforcement and Fire Prevention**

Abstract: This rule will promulgate law enforcement and fire prevention regulations for the El Portal area in Yosemite National Park. El Portal is an administrative site used by the National Park Service and is not currently covered under other regulations in Title 36.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415-556-1866

CFR Citation: **36 CFR Part 7** *Title:* **Yosemite National Park: Residential Leases**

Abstract: This rule will allow the National Park Service to lease residences to Service employees at El Portal, an administrative site within Yosemite National Park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415-556-1866

CFR Citation: **36 CFR Part 7** *Title:* **Zion National Park: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303-234-3068

CFR Citation: **36 CFR Part 12** *Title:* **National Cemetery Regulations**

Abstract: This part contains provisions relating to the management and use of National Cemeteries within the National Park System.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1, 3, 231, 450

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Maureen Finnerty 202-343-4874

CFR Citation: **36 CFR Part 13** *Title:* **National Park System Units in Alaska**

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboats and aircraft use.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Bill Tanner, Alaska Regional Office, National Park Service, 540 West 5th Avenue,, Anchorage, AK 99501, 907-271-4551

CFR Citation: **36 CFR Part 14** *Title:* **Rights-of-Way**

Abstract: This part will contain provisions relating to the granting of rights-of-way for roads, electrical facilities and water conduits across National Park Service lands.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 5, 79; 23 U.S.C. 317

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Interim rule with request for comments was published July 11, 1980 (45 FR 47092).

CFR Citation: **36 CFR Part 16** *Title:* **Identification of Integral Vistas Associated With Federal Class I Areas**

Abstract: This rule will provide guidelines for identification of integral vistas and a list of integral vistas associated with 44 of the 48 National Park Service mandatory class I areas where visibility is an important value.

Originally Scheduled: October 1981

Legal Authority: 42 U.S.C. 7491

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Carol McCoy 202-343-4911

Timetable: Proposed guidelines and notice of availability was published January 15, 1981 (46 FR 3646); comment was reopened April 24, 1981 (46 FR 23389).

CFR Citation: **36 CFR Part 18** *Title:* **Leases and Exchanges of Historic Property**

Abstract: This new rule will implement procedures for leases, exchanges, and management contracts of National Park Service historic property to ensure preservation of the historic property.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 96-515

Determination Under E.O. 12291: The Department of the Interior has

determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles C. Haslet 202-523-5172; Sally Blumenthal 202-272-3761

Timetable: Proposed rule was published April 26, 1982 (47 FR 17829).

CFR Citation: **36 CFR Part 25** *Title:* **National Military Parks; Licensed Guide Service Regulations**

Abstract: This rule will be revised to remove obsolete language and improve administration of licensed guide services at National Military Parks where such service has been or will be established. Specifically, the rule concerns the licensing, identification and supervision of guides, as well as setting rates for such services.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Arthur Eck 202-343-5607

CFR Citation: **36 CFR Part 28** *Title:* **Fire Island National Seashore: Zoning**

Abstract: This rule will revise existing zoning standards within the Seashore.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George Sites, National Atlantic Regional Office, National Park Service, 15 State Street, Boston, MA 02109, 617-223-3765

CFR Citation: **36 CFR Part 29** *Title:* **Yosemite National Park: Zoning**

Abstract: This rule will permit residential development to occur on privately owned lands in the Wawona area of Yosemite National Park through the implementation of land use controls.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415-556-1866

CFR Citation: **36 CFR Part 50** *Title:* **Sale and Distribution of Printed Matter**

Abstract: This rule will recodify provisions of 36 CFR 50.24(c)(2) concerning the sale or distribution of printed matter within areas administered by the National Capital Region and will also establish a permit system for the sale and distribution of literature in fixed locations in the public areas of the interiors of specified buildings (50.19).

Originally Scheduled: July 1979

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Interim rule was published October 3, 1979 (44 FR 56934).

CFR Citation: **36 CFR Part 50** *Title:* **Demonstrations and Special Events**

Abstract: This rule will permit demonstrations in one-fourth of Lafayette Park while reserving the rest of Lafayette Park and the entire White House sidewalk for the exclusive use of the Inaugural Committee on January 20 of each inaugural year.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Interim rule was published December 24, 1980 (45 FR 84997).

CFR Citation: **36 CFR Part 50** *Title:* **Applicability of Regulations**

Abstract: This rule revises 36 CFR Part 50.1 to permit certain parks within the National Capitol Region to utilize the rules and regulations found in 36 CFR Parts 1-7.

Originally Scheduled: July 1978

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provision of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lowell Sturgill, National Capitol Region, National Park Service, 1100 Ohio Drive SW, Washington, D.C. 20242, 202-426-6658

Timetable: Proposed rule was published February 28, 1979 (44 FR 11244).

CFR Citation: **36 CFR Part 50** *Title:* **Demonstrations and Special Events**

Abstract: This rule will amend the provisions of 36 CFR 50.19(a) to include a definition of the term 'Vietnam Veterans Memorial' and will amend the provisions of 36 CFR 50.19(c)(2) to include a prohibition on demonstrations and special events in the Vietnam Veterans Memorial.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a

significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Prposed rule is scheduled to be published by October 1982.

CFR Citation: **36 CFR Part 60** *Title:* **Nominations to the National Register of Historic Places**

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 470, et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Carol D. Shull 202-272-3504

Timetable: The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024-0018.

An Interim rule and a proposed rule were published November 16, 1981 (46 FR 56183; 46 FR 56209).

CFR Citation: **36 CFR Part 61** *Title:* **Criteria for Comprehensive Statewide Historic Surveys and Plans**

Abstract: Extensive revision of this rule is anticipated because the National Historic Preservation Act Amendments of 1980 require the Secretary of the Interior to promulgate or revise regulations for State historic preservation programs. The Secretary is also required to develop a procedure for certifying local governments as eligible to carry out the purposes of the Act. Such certification will allow local governments to receive a portion of their State's annual Historic Preservation Fund grant via transfer from the State. It is expected that the Part will be retitled 'Criteria for State and Local Historic Preservation Programs.' This rule will be redesignated from 36 CFR Part 1201.

Originally Scheduled: May 1978

Legal Authority: 16 U.S.C. 470 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Lawrence E. Finter 202-272-3709

Timetable: Interim rule (36 CFR Part 1201) with request for comments was published May 9, 1980 (45 FR 30623).

Proposed rule (36 CFR Part 1201) was published September 10, 1980 (45 FR 59590).

CFR Citation: **36 CFR Part 63** *Title:* **Determination of Eligibility for Inclusion in the National Register of Historic Places**

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be redesignated from 36 CFR Part 1204.

Originally Scheduled: July 1979

Legal Authority: 16 U.S.C. 470 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Carol D. Shull 202-272-3504

Timetable: Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909). Due to Pub.L. 96-515 becoming law on December 12, 1980, rules must be again revised.

CFR Citation: **36 CFR Part 63** *Title:* **Determination of Eligibility for Inclusion in the National Register of Historic Places**

Abstract: Section 63.3 of this rule is being temporarily suspended. Section 63.3 requires that Federal agencies obtain a formal determination of eligibility for properties where both the Federal agency and the State Historic Preservation Officer agree on the eligibility. Suspension of this requirement will reduce unnecessary paperwork by allowing such properties to be considered eligible without formal Federal evaluation.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 470 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Carol D. Schull 202-272-3504

Timetable: Suspension is scheduled to be published in October 1982 and will become effective 30 days after publication.

CFR Citation: **36 CFR Part 65** *Title:* **National Historic Landmark Program**

Abstract: This rule incorporates certain revisions required by the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for designations of National Historic Landmarks by the Department. This rule will be redesignated from 36 CFR Part 1205.

Originally Scheduled: January 1979

Legal Authority: 16 U.S.C. 461 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Benjamin Levy 202-523-0089

Timetable: Interim rule (36 CFR Part 1205) with request for comments was published December 18, 1979 (44 FR 74826). Due to Pub.L. 96-515 becoming law on December 12, 1980, rules must be again revised.

CFR Citation: **36 CFR Part 66** *Title:* **Recovery of Scientific, Prehistoric, Historic and Archaeological Data: Procedures for Notification, Reporting and Data Recovery**

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of

activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act. It will also help guarantee the uniform high quality of data recovery programs and reports submitted to the Department pursuant to the requirements of section 3(a) of the Act.

Originally Scheduled: January 1979

Legal Authority: Section 5(c) of the Archeological and Historic Preservation Act of 1974

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lawrence Aten 202-272-3706

CFR Citation: **36 CFR Part 67** *Title:* **Historic Preservation Certifications Pursuant to the Tax Reform Act of 1976 and the Revenue Act of 1978**

Abstract: This rule will be revised to incorporate new requirements of Pub.L. 96-541 in order to provide for the creation of historic easements. The introductory material in the regulation will also be revised to explain changes in tax treatments resulting from the Economic Recovery Tax Act of 1981 (Pub.L. 97-34).

Originally Scheduled: April 1981

Legal Authority: Tax Reform Act of 1976, as amended; Revenue Act of 1978; Tax Treatment Extension Act of 1980; Economic Recovery Tax Act of 1981

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ward Jandl 202-272-3721

Timetable: Final rule (36 CFR Part 1208) was published December 19, 1980 (45 FR 83488). Due to Pub.L. 96-541 becoming law in December 1980, rule will again be revised.

CFR Citation: **36 CFR Part 69** *Title:* **Protection and Conservation of Archaeological Resources: Uniform Regulations**

Abstract: This uniform rulemaking, to implement the provisions of the Archaeological Resources Protection Act of October 31, 1979, is in response to Section 10(a) of the Act. It is intended that the uniform rulemaking will serve as the foundation and basic policy standard for additional regulations which Departments and independent agencies may promulgate in order to carry out the responsibilities of the Act. The intended effect of this rulemaking action is to advise the public of its obligations to the Federal government and to further advise of the Federal government's obligations to the public concerning the protection and conservation of archaeological resources located on public and Indian lands within the United States, its territories and possessions.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 470aa et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bennie Keel 202-272-3750

Timetable: Public hearings for early input on proposed rulemaking process were held in Denver, Phoenix, Portland, and Knoxville between March 22, 1980 and April 19, 1980.

Proposed rule was published January 19, 1981 (46 FR 5566).

CFR Citation: **36 CFR Part 71** *Title:* **Federal Recreation Fees**

Abstract: This rule is being amended to: allow certain categories of disabled persons to enter U.S. government operated parks, monuments and recreation areas free of charge and to entitle such persons to a 50% discount on use fees; and revise the definition of 'single-visit' admission period which will allow payment of a single admission fee which shall authorizse exits from and reentries to a single designated area for a period of from one to fifteen days. This rule will be redesignated from 36 CFR Part 1227.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 96-344

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James Cook 202-272-3730

CFR Citation: **36 CFR Part 72, Subparts A, C and D** *Title:* **Urban Park and Recreation Recovery Program: Grants Procedures**

Abstract: This rule is being revised to incorporate provisions for energy conservation by recipients of Federal assistance. This rule will be redesignated from 36 CFR Part 1228.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 96-625; 16 U.S.C. 2501; E.O. 12185

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam L. Hall 202-272-3516

Timetable: Proposed rule (36 CFR Part 1228) was published September 3, 1980 (45 FR 66179).

Publication of a final rule is being delayed pending Administration and Departmental decisions to implement E.O. 12185.

CFR Citation: **36 CFR Part 72, Subparts A, C and D** *Title:* **Urban Park and Recreation Recovery Program: Grants Procedures**

Abstract: This rule is being revised to incorporate an amendment that will allow projects to begin to incur costs following a tentative grant offer. The Program Information section will also be revised in response to general requests for clarification. This rule will be redesignated from 36 CFR Part 1228.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-625, 16 U.S.C. 2501

Determination Under E.O. 12291: The effects of this document were previously

considered under the provision of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam L. Hall 202-272-3516

Timetable: Interim rule (36 CFR Part 1228) was published September 3, 1980 (45 FR 58339).

CFR Citation: **36 CFR Part 75** *Title:* **Procedures for the Identification and Protection of Archeological, Historic and Scientific Properties**

Abstract: These regulations implement the Department's responsibilities for the identification, protection, preservation, and management of archeological, architectural, historic, scientific, and other cultural resources. These regulations fulfill requirements set forth in the National Historic Preservation Act, E.O. 11593, and other applicable historic preservation laws. They were developed in consultation with the Advisory Council pursuant to section 1(3) of Executive Order 11593, the President's Memorandum on Environmental Quality and Water Resources Management of July 12, 1978, and sections 800.10 and 800.11 of the amended regulations of the Advisory Council, 'Protection of Historic and Cultural Properties' (36 CFR 800).

Originally Scheduled: July 1979

Legal Authority: President's Memorandum on Environmental Quality and Water Resources Management; 36 CFR 800.10; E.O. 11593

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lawrence Aten 202-272-3706

Timetable: Proposed rule was published August 2, 1979 (44 FR 45417).

The Service has decided to issue these Departmental procedures as part of the Departmental Manual (519 DM 1), and therefore a final rule will not be published. This Part 75 will instead contain the implementing regulations that are specific to the Service.

CFR Citation: **36 CFR Part 76** *Title:* **Preservation of American Antiquities: Definition of an Object of Antiquity**

Abstract: This rule will implement the provisions of the American Antiquities Act of June 8, 1906, and is in response to a Federal court ruling on the vagueness of the term 'object of antiquity' and failure of the Federal government to inform the public in lay terms. This rule will be redesignated from 43 CFR Part 3.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 431-433

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles M. McKinney 202-272-3706

Timetable: Proposed rule (43 CFR Part 3) was published April 10, 1978 (43 FR 14975).

A second proposed rule will be published after 36 CFR Part 69 is published as a final rule.

CFR Citation: **36 CFR Part 78** *Title:* **Waiver of Federal Agency Responsibilities under National Historic Preservation ACt**

Abstract: This rule is necessry under the National Historic Preservation Act Amendments of 1980 which require the Secretary of the Interior to establish new procedures forthe waiver of the requirements of Section 110 of the Act.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 470

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Carol D. Shull 202-272-3504

Timetable: Proposed rule is scheduled to be published by October 1982.

CFR Citation: **43 CFR Part 36** *Title:* **Transportation and Utility Systems in Alaska**

Abstract: This rule will establish procedures for the review and approval of any application for a transportation or utility system in Alaska, if any portion of the system's route will be within any national conservation system unit, national recreation area or national conservation area in the State.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 3161

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Brian Koula 202-343-7957

Title: **Flood Insurance for Undeveloped Coastal Barriers**

Abstract: This document will provide a notice of the procedure and methodology with which the Department intends to develop and implement its responsibilities under new section 1321 of the National Flood Insurance Act to designate undeveloped coastal barriers and its responsibilities with regard to section 341(d)(2) of the Omnibus Budget and Reconciliation Act to conduct a study of undeveloped coastal barriers. This rule will not be codified.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 97-35; 42 U.S.C. 4026

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Deborah Lanzone 202-272-3566

Timetable: A Notice of Intent was published December 1, 1981 (46 FR 58346).

A Notice announcing the availability of draft maps and definitions was published January 15, 1982 (47 FR 2381).

Proposed rule was published August 16, 1982 (47 FR 35696).

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **36 CFR Part 7** *Title:* **Everglades National Park: Commercial Fishing**

Abstract: This rule, which pertains to prohibiting commercial fishing within the park, will be reviewed.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

COMPLETED ACTIONS

CFR Citation: **36 CFR Part 7** *Title:* **Buffalo National River: Motorboat Regulations**

Abstract: This rule regulates power boat usage on certain segments of the Buffalo River.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Roger Siglin, Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, NM 87501, 505-988-6371

Timetable: Proposed rule was published November 21, 1980 (45 FR 77049).

Final rule was published April 26, 1982 (47 FR 17182).

CFR Citation: **36 CFR Part 7** *Title:* **Cuyahoga Valley National Recreation Area: Alcoholic Beverages**

Abstract: This rule will close areas within Cuyahoga Valley National Recreation Area to the consumption of alcoholic beverages.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published January 27, 1982 (47 FR 3797).

Final rule was published June 4, 1982 (47 FR 24298).

CFR Citation: **36 CFR Part 50** *Title:* **Demonstrations and Special Events**

Abstract: Section 50.19 of this rule has been revised to clarify the circumstances and conditions under which temporary structures may be used in connections with demonstration activity. The clarification is necessitated by the court decision in Community for Creative Non-Violence v. Watt, No. 81-2381 (D.C. Cir. 1982).

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Proposed rule was published March 18, 1982 (47 FR 11725).

Final rule was published June 4, 1982 (47 FR 24302).

CFR Citation: **36 CFR Part 50** *Title:* **Camping**

Abstract: Section 50.27 of this rule has been revised to clarify the types of activities considered to be camping which must be confined to designated campgrounds. The clarification is necessitated by the court decision in Community for Creative Non-Violence v. Watt, No. 81-2381 (D.C. Cir. 1982).

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Proposed rule was published March 29, 1982 (47 FR 13170).

Final rule was published June 4, 1982 (47 FR 24298).

CFR Citation: **36 CFR Part 73** *Title:* **World Heritage Convention**

Abstract: This rule will set forth the policies and procedures that the Department will use to direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, in accordance with Title IV of the National Historic Preservation Act Amendments of 1980. The rule will serve as the single source of definitive guidance for World Heritage policy and procedure to ensure effective implementation of the Convention and participation by interested agencies, organizations and individuals.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 96-515; 16 U.S.C. 470a-1, a-2; 94 Stat. 3000

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James Orr 202-523-0150

Timetable: A Notice of Intent with request for comments was published January 13, 1981 (46 FR 3073).

Proposed rule was published October 20, 1981 (46 FR 51558).

Final rule was published May 27, 1982 (47 FR 23392).

BUREAU OF INDIAN AFFAIRS

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **25 CFR Part 2** *Title:* **Appeal from Administrative Actions**

Abstract: A review of this part indicated that minor administrative changes are required to clarify the language and to eliminate gender-specific terminology.

Originally Scheduled: October 1981

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ronal Eden 202-343-7684

CFR Citation: **25 CFR Part 11** *Title:* **Law and Order on Indian Reservations**

Abstract: This part is being revised to preclude Courts of Indian Offenses from adjudicating intra-tribal governmental disputes absent consent of an Indian tribe (11.22). Consideration is also being given to revising this part to adopt state substantive law in place of the offenses presently enumerated in this part.

Originally Scheduled: January 1981

Legal Authority: 25 U.S.C. 2, 9 and 13

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Etheridge 202-343-8526

CFR Citation: **25 CFR Part 12** *Title:* **Code of Offenses for Navajo-Hopi Settlement Act Secretarial Responsibilities**

Abstract: This rule will be revised to reflect the Secretary's reduced law enforcement and judicial responsibilities in the area formerly known as the Joint Use Area under the July 8, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d-640d-28. The rule will also be revised to clarify the Secretary's continuing responsibility to protect the rights and property of those individuals subject to relocation or who will be authorized to remain on lands covered by a life estate.

Originally Scheduled: October 1961

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2 and 9 and Pub.L. 93-531 as amended by Pub.L. 96-305; 25 U.S.C. 640d-640d-28

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Pat Hayes 202-343-6857

CFR Citation: **25 CFR Part 17** *Title:* **Action on Wills of Osage Indians**

Abstract: This rule is being revised to permit the Field Solicitor of the Department to: (1) approve/disapprove wills of persons of Osage Indian blood providing for the disposition of restricted property; (2) issue orders and decisions; (3) issue subpoenas and to administer oaths to witnesses testifying hearings; and (4) send appeals from decisions to the Regional Solicitor of the Department.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-496

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Duard Barnes 202-343-9405

CFR Citation: **25 CFR Part 26** *Title:* **Employment Assistance for Adult Indians**

Abstract: This rule will describe eligibility criteria required for participation in the Bureau's program of Employment Assistance for Adult Indians and explain application procedures. This will be a new part added to 25 CFR. This program has been in existence in some form since 1949 but has never before been described in 25 CFR. This Part has been redesignated from 25 CFR Part 33.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 13

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Delaware 202-343-8428

Timetable: Proposed rule was published August 31, 1982 (47 FR 35355).

The information collection requirements contained in section 33.4 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **25 CFR Part 27** *Title:* **Vocational Training for Adult Indians**

Abstract: This rule will describe eligibility criteria required for participation in the Bureau's program of vocational training for adult Indians and explain application procedures. This Part has been redesignated from 25 CFR Part 34.

Originally Scheduled: May 1978

Legal Authority: Pub.L. 84-959; Pub.L. 88-230

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Delaware 202-343-8428

Timetable: Proposed rule was published August 31, 1982 (47 FR 38358).

The information collection requirements contained in section 34.4 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **25 CFR Part 34** *Title:* **Procedures and Practices**

Abstract: This rule will provide the Office of Indian Education Programs a set of education policies, procedures and practices for all education-related activities. Coordination of education policies will facilitate the streamlining of education services of the Areas and Agencies, establish limits for Bureau interference in tribal education programs and aid Congress in conducting more thorough oversight. This Part has been redesignated from 25 CFR Part 31c.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 95-561; 25 U.S.C. 2013

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Judie Zundel 202-343-6676

CFR Citation: **25 CFR Part 35** *Title:* **School Boards**

Abstract: This rule will describe school boards and their powers and duties in relation to the education programs under the Bureau at the local, Agency, and Area levels and with respect to tribally contracted schools. This Part has been redesignated from 25 CFR Part 31d.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-561

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George D. Scott 202-343-6675

CFR Citation: **25 CFR 36** *Title:* **Educational Standards**

Abstract: This rule will prescribe minimum academic standards for the basic education of Indian children in Bureau schools and provide the national criteria for use in the operations of dormitories by the Bureau. This Part has been redesignated from 25 CFR Part 31e.

Originally Scheduled: January 1980

Legal Authority: 25 U.S.C. 2001,2002; Pub.L. 95-561

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George D. Scott 202-343-6675

CFR Citation: **25 CFR Part 39** *Title:* **Indian School Equalization Program**

Abstract: This rule will revise and expand the Indian school equalization formula by incorporating additional weighted factors and setting up administrative procedures for school closures and termination of educaton programs. The rule will also provide staff cost adjustment, establish a permanent formula implementation set-aside fund, authorize new schools, and expand Bureau-funded school programs to serve students not previously served. This Part has been redesignated from 25 CFR Part 31h.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-561; 25 U.S.C. 2008

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Judie Zundel 202-343-6676

CFR Citation: **25 CFR Part 40** *Title:* **Administration of the Higher Education Program**

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 U.S.C. 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This Part has been redesignated from 25 CFR Part 32.

Originally Scheduled: January 1980

Legal Authority: 25 U.S.C. 13; Pub.L. 67-85

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Don Standing Elk 202-343-7387

CFR Citation: **25 CFR Part 41** *Title:* **Grants to Tribally Controlled Community Colleges and Navajo Community College**

Abstract: Revision of 25 CFR Part 32b is needed to provide clarity of language and structure in certain subparts. This Part has been redesignated from 25 CFR Part 32b.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 1815

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ed Lonefight 202-343-7387

CFR Citation: **25 CFR Part 42** *Title:* **Indian Rights and Responsibilities**

Abstract: This rule will set forth policies, requirements and procedures to ensure the protection of the constitutional and civil rights of students attending Bureau or contract schools and dormitories. This Part has been redesignated from 25 CFR Part 31i.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-561; 25 U.S.C. 2017

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Carmen Taylor 202-343-4493

Timetable: Proposed rule was published May 22, 1979 (44 FR 29855).

CFR Citation: **25 CFR Part 44** *Title:* **Provision of Educational Services by Bureau of Indian Affairs Under Section 1101(d) of Public Law 95-561**

Abstract: This rule will govern the provision of educational services to Indian children by the Burea under section 1101(d) of Pub.L. 95-561. This Part has been redesignated from 25 CFR Part 31j.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 95-561

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James Martin 202-343-8657

CFR Citation: **25 CFR 45** *Title:* **Special Education**

Abstract: This rule will establish standards for the provision of special education and related services to Indian children in schools operated by or under the authority of the Bureau. This Part

has been redesignated from 25 CFR Part 31k.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 94-142

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles Cordova 202-343-4071

Timetable: Proposed rule was published September 29, 1980 (45 FR 64472).

CFR Citation: **25 CFR Part 46** *Title:* **Adult Education**

Abstract: This rule will establish procedures for the conduct of adult education programs operated by or under the authority of the Bureau.

Originally Scheduled: May 1978

Legal Authority: Pub.L. 93-638

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Leroy Falling 202-343-7387

CFR Citation: **25 CFR Part 47** *Title:* **Bureau Operated Institutions of Higher and Post Secondary Education**

Abstract: This rule will revise the policies governing the Bureau's three post-secondary schools and reflect the national policies of Indian tribal self-determination. This Part has been redesignated from 25 CFR Part 32c.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-471

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Don McCabe 202-343-7387

CFR Citation: **25 CFR Part 62** *Title:* **Enrollment Appeals**

Abstract: As a result of reviewing this part, it has been determined that revisions are necessary in order to eliminate sex-based criteria and gender-specific terminology. This part provides the procedures governing enrollment appeals. This Part has been redesignated from 25 CFR Part 42.

Originally Scheduled: January 1981

Legal Authority: 25 U.S.C. 2, 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Don McCabe 202-343-7387

CFR Citation: **25 CFR Part 69** *Title:* **Preparation of a Roll of Alaska Natives**

Abstract: This rule is being amended to provide procedures for the redetermination of permanent residence of Alaska Natives enrolled pursuant to Pub.L. 92-203 in accordance with section 1(c) of Pub.L. 94-204. This Part has been redesignated from 25 CFR Part 43h.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 94-204; Pub.L. 92-203

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Mitchell L. Bush 703-235-8323

CFR Citation: **25 CFR Part 70** *Title:* **Final Roll of the Menominee Tribe of Wisconsin**

Abstract: As a result of reviewing this part, it has been determined that this rule has served the purpose for which issued and it will be revoked. The membership roll of the Menominee Tribe has been completed, and the Tribe has assumed maintenance of its membership roll (70.14). This Part has been redesignated from 25 CFR Part 43k.

Originally Scheduled: April 1981

Legal Authority: 5 U.S.C. 301; 87 Stat. 773

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Mitchell L. Bush 703-235-8323

CFR Citation: **25 CFR Part 73** *Title:* **Revision of Final Roll of the Confederation Tribes of Siletz Indians of Oregon**

Abstract: As a result of review, it has been determined that this rule has served the purpose for which issued and will be revoked. The membership roll of the Confederated Tribes of Siletz Indians of Oregon has been completed and the Tribe has assumed maintenance of its membership roll. This Part has been redesignated from 25 CFR Part 43p.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-195

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Agency Contact: Mitchell L. Bush, Jr. 703-235-8323

CFR Citation: **25 CFR Part 75** *Title:* **Revision of the Membership Roll of the Eastern Band of Cherokee Indians, North Carolina**

Abstract: This rule provides procedures to govern the revision of the membership roll of the Eastern Band of Cherokee Indians. As a result of review, it was determined that revision was necessary in order to eliminate sex-based criteria and gender-specific terminology and make certain other minor administrative changes. It was also determined that section 75.19 has served the purpose for which issued and will be revoked. This Part has been redesignated from 25 CFR Part 47.

Originally Scheduled: October 1981

Legal Authority: Section 2, 71 Stat. 374

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Mitchell L. Bush, Jr. 703-235-8323

CFR Citation: **25 CFR Part 87** *Title:* **Use and Distribution of Indian Judgment Funds**

Abstract: This rule is being revised to reflect anticipated amendments to the Indian Judgment Funds Act of October 19, 1973. Principal amendments would affect the time period for submittal of Secretarial plans to Congress. This Part has been redesignated from 25 CFR Part 60.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 93-134

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Steve Feraca 202-343-4623

CFR Citation: **25 CFR Part 89** *Title:* **Attorney Contracts with Indian Tribes**

Abstract: This rule will be amended to: (1) clarify the circumstances under which the Bureau may provide funds to an Indian tribe for the payment of a private attorney's legal services; and (2) establish the current policy of tribal self-determination, minimize the Federal government's involvement in tribal self-government and simplify the regulations by making all tribes, regardless of their organizational status, subject to a single set of regulations. This Part has been redesignated from 25 CFR Part 72.

Originally Scheduled: July 1980

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 13, 81, 82a, 450, 476

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Evelyn Pickett 202-343-4045

Timetable: Proposed rules were published July 17, 1980 (45 FR 47869) and December 16, 1980 (45 FR 82667).

CFR Citation: **25 CFR Part 140** *Title:* **Licensed Indian Traders**

Abstract: On April 25, 1980, the Bureau published a proposed rule that would have amended the regulations governing Indian traders on most Indian reservations. That proposal would have restricted application of the regulations to businesses located in isolated communities where there is an absence of competition. Most comments received were strongly opposed to the proposal and supportive of diligent enforcement of the trader regulations on all Indian reservations. In response to those comments, the Bureau has proposed to modernize the trading regulations by adopting as its regulations the consumer protection statutes of the state where the business is located. This Part has been redesignated from 25 CFR Part 251.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 261, 262

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will have a significant economic effect on a substantial number of small entities and requires a small entity flexibility analysis 5 U.S.C. 601 et seq. This rule would have a significant effect on all small businesses operating on Indian reservations (other than the Navajo, Hopi or Zuni reservations) except those businesses operated by the tribe or its members. The affected businesses would be required to comply with state consumer protection laws. Those businesses operating on reservations not listed in 251.28 of the proposed rule would also be required to post bond, be subject to monitoring by the Bureau and keep records of sales to customers.

Agency Contact: Eugene F. Suarez 202-343-5786

Timetable: Proposed rule was published January 6, 1981 (46 FR 1298).

A Notice withdrawing the proposed rule will be published by October 1982.

CFR Citation: **25 CFR Part 152** *Title:* **Issuance of Patents in Fee, Certificate of Competency, Removal of Restrictions and Sale of Certain Indian Lands**

Abstract: This rule will clarify language, provide additional cross-references and add certain new provisions which more fully encompass the authority found in the statutes. This Part has been redesignated from 25 CFR Part 121.

Originally Scheduled: January 1979

Legal Authority: 25 U.S.C. 378, 379, 404, 405, 372, 373, 483, 355

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Wilford Bowker, Portland Area Office, Bureau of Indian Affairs, P.O. Box 3785, Portland, OR 97208, 503-231-6714

CFR Citation: **25 CFR Part 155** *Title:* **Equalization of Allotments: Agua Caliente (Palm Springs) Reservation, California**

Abstract: This rule will be revoked because the purposes of the law has been accomplished. This Part has been redesignated from 25 CFR Part 124.

Originally Scheduled: April 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lou White 202-343-7738

CFR Citation: **25 CFR Part 157** *Title:* **Allotment of Lands on the Cabazon and Augustine Indian Reservations, Riverside County, California**

Abstract: This rule will be revoked because the purpose of the law has been accomplished. This Part has been redesignated from 25 CFR Part 126.

Originally Scheduled: April 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lou White 202-343-7738

CFR Citation: **25 CFR Part 161** *Title:* **Allotment of Lands on the Torres-Martinez Indian Reservation, California**

Abstract: This rule will be revoked because the purpose of the law has been accomplished. This Part has been redesignated from 25 CFR Part 130.
Originally Scheduled: April 1982
Legal Authority: 5 U.S.C. 301
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Lou White 202-343-7738

CFR Citation: **25 CFR Part 162** *Title:* **Leasing and Permitting**

Abstract: This rule will reorganize Part 162 into three new subheadings: (1) How to Acquire Leases; (2) Special Provisions and Requirements of Leases; and (3) Special Provisions for Specific Reservations. These revisions will facilitate the use of the regulations for easier reference. This Part has been redesignated from 25 CFR Part 131.
Originally Scheduled: July 1979
Legal Authority: 25 U.S.C. 380, 393, 394, 395, 397, 402, 402a, 403, 403a-c, 415, 415a-d, 477, 635
Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Robert Jones, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoeniz, AZ 85011, 802-261-2275
Timetable: Proposed rule was published October 27, 1978 (43 FR 50210).

CFR Citation: **25 CFR Part 163** *Title:* **General Forest Regulations**

Abstract: This rule will be updated and revised to reflect economic and technical changes pertinent to timber management and harvesting since the last revision in 1976. The revision will also eliminate gender-specific terminology. This Part has been redesignated from 25 CFR Part 141.
Originally Scheduled: October 1981
Legal Authority: 25 U.S.C. 406, 407 and 4667, 406, 407
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Fred Malroy 202-343-6067

CFR Citation: **25 CFR Part 164** *Title:* **Sale of Lumber and Other Forest Products Produced by Indian Enterprises from the Forests on Indian Reservations**

Abstract: This part will be revised to eliminate gender-specific terminology. This Part has been redesignated from 25 CFR Part 142.
Originally Scheduled: October 1981
Legal Authority: 54 Stat. 504, as amended; 5 U.S.C. 301, 41 U.S.C. 6b
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Fred Malroy 202-343-6067

CFR Citation: **25 CFR Part 165** *Title:* **Sale of Forest Products, Red Lake Indian Reservation, Minnesota**

Abstract: This part will be revised to eliminate gender-specific terminology. This Part has been redesignated from 25 CFR Part 144.
Originally Scheduled: October 1981
Legal Authority: Section 9, 39 Stat. 137, as amended; 5 U.S.C. 301; 41 U.S.C. 66
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Fred Malroy 202-343-6067

CFR Citation: **25 CFR Part 168** *Title:* **Grazing Regulations for Former Navajo-Hopi Joint Use Area Lands**

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d-640d-28. The rule will also be revised to correct vague and/or ambiguous language contained in certain provisions of the existing rule. This Part has been redesignated from 25 CFR Part 153.
Originally Scheduled: October 1981
Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 640d, 640d-28
Determination Under E.O. 12291: The determination whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Sam Miller 202-343-4004
Timetable: An Interim rule with request for comments was published September 10, 1982 (47 FR 39816).

CFR Citation: **25 CFR Part 169** *Title:* **Rights-of-Way over Indian Lands**

Abstract: This rule, which contains the procedures for rights-of-way over Indian lands, is scheduled for revision in order to eliminate excessive, burdensome and counterproductive provisions. Language changes will be made in order to make the regulation clearer.
Originally Scheduled: October 1982
Legal Authority: 25 U.S.C. 2 and 9
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Frank Hissong 202-343-4459

CFR Citation: **25 CFR Part 170** *Title:* **Roads of the Bureau of Indian Affairs**

Abstract: This part is being amended to reflect the current Bureau responsibility for the roads systems on

Indian reservations. This Part has been redesignated from 25 CFR Part 162.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 47; 42 U.S.C. 2000e(b); 23 U.S.C. 101(a), 208, 308; 36 Stat. 861; 45 Stat. 750

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James T. Ball 202-343-6041

CFR Citation: **25 CFR Part 174** *Title:* **Operations and Maintenance Charges**

Abstract: The provision which establishes the criteria for determining operation and maintenance charges of the Joint Works will be amended (174.69d). A review of the operating policies of the San Carlos irrigation project indicates that operation and maintenance charges of the Joint Works should include the cost of the electrical energy required for the operation of irrigation pumps. This Part has been redesignated from 25 CFR Part 221.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 385, 387

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Walter Parks, San Carlos Irrigation Project, P.O. Box 456, Coolidge, AZ 85228, 602-723-5439

CFR Citation: **25 CFR Part 179** *Title:* **Use of Water on Indian Reservations**

Abstract: This rule will state the criteria the Secretary will follow in determining whether to approve water codes enacted by Indian tribes which would regulate the use of waters on Indian reservations. This Part has been redesignated from 25 CFR Part 260.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 1a, 2, 9, 381, 415

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Joseph R. Membrino 202-343-6967

Timetable: Proposed rule was published January 5, 1981 (46 FR 944).

CFR Citation: **25 CFR 211** *Title:* **Contracts for Prospecting and Mining on Indian Mineral Lands**

Abstract: The regulations in this part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil, gas and coal. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one part. This Part has been redesignated from 25 CFR Part 171.

Originally Scheduled: May 1978

Legal Authority: 25 U.S.C. 396, 396d, 415, 476, 477

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Riggs 202-343-3722; Ken Core 202-343-3722

Timetable: Proposed rule was published August 11, 1980 (45 FR 53164).

CFR Citation: **25 CFR Part 212** *Title:* **Leasing of Allotted Lands for Mining**

Abstract: As a result of review, it has been determined that this part is no longer necessary and should be revoked. The rules which currently govern the leasing of oil and gas on Indian allotted lands will be replaced by a new 25 CFR Part 218. This Part has been redesignated from 25 CFR Part 172.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 396; 35 Stat. 396

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Riggs 202-343-3722; Ken Core 202-343-3722

Timetable: Proposed rule was published August 11, 1980 (45 FR 53164).

CFR Citation: **25 CFR Part 216** *Title:* **Operation, Reclamation and Conservation on Mineral Lands**

Abstract: This rule will provide for mining and exploration plans, performance plans and other operational aspects of mining on Indian lands, including compliance with the National Environmental Policy Act. This Part has been redesignated from 25 CFR Part 177.

Originally Scheduled: May 1978

Legal Authority: 25 U.S.C. 380, 396, 396d, 415, 476, 477; 42 U.S.C. 4332

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Riggs 202-343-3722; Ken Core 202-343-3722

Timetable: Proposed rule was published August 11, 1980 (45 FR 53164).

CFR Citation: **25 CFR Part 218** *Title:* **Oil and Gas Contracts**

Abstract: This part will govern contracts for the development of Indian owned oil and gas reserves. The regulations would replace existing regulations in 25 CFR Part 218. This Part has been redesignated from 25 CFR Part 182.

Originally Scheduled: May 1978

Legal Authority: 25 U.S.C. 396, 396d 415, 476, 477; 42 U.S.C. 4332

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Riggs 202-343-3722; Ken Core 202-343-3722

Timetable: Proposed Rule was published August 11, 1980 (45 FR 53164).

CFR Citation: **25 CFR Part 228** *Title:* **Review of Tribal Ordinances Imposing Taxes on Mining Activities on Indian Lands**

Abstract: This rule will state the procedure and criteria the Secretary will follow in reviewing tribal ordinances imposing taxes on mining activities on Indian lands. This Part has been redesignated from 25 CFR Part 179.

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Anita Vogt 202-343-8526

CFR Citation: **25 CFR Part 243** *Title:* **Reindeer in Alaska**

Abstract: As a result of review, this rule will be revised to provide Alaska Native reindeer owners, government officials and other persons with explicit guidance for administration of the reindeer industry in Alaska and eliminate certain legal ambiguities affecting the industry. This Part has been redesignated from 25 CFR Part 90.

Originally Scheduled: April 1981

Legal Authority: 48 U.S.C. 250b, 250k; 50 Stat. 900; 50 Stat. 902

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John A. Moore, Juneau Area Office, Federal Building, P.O. Box 3-8000, Juneau, AK 99802, 907-586-7404

CFR Citation: **25 CFR Part 261** *Title:* **Preservation of Antiquities**

Abstract: Part 132 is authorized by the Antiquities Act of 1906 (16 U.S.C. 432) which has been largely superseded by the Archeological Resources Protection Act (16 U.S.C. 470aa). This Part has been redesignated from 25 CFR Part 132.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 470aa

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Dean Suagee 202-343-4541

CFR Citation: **25 CFR Part 262** *Title:* **Heritage Preservation**

Abstract: This rule will establish procedures for implementing the requirements of legislation relating to cultural resources. Subpart A will implement the requirements of the National Historic Preservation Act as it pertains to Bureau actions which may affect properties that are listed on the National Register of Historic Places. Subpart B will implement the requirements of the Archaeological Resources Protection Act, particularly the requirement that no archaeological resources may be excavated without a permit. This Part has been redesignated from 25 CFR Part 281.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 469, 470aa, 470f; 42 U.S.C. 1996

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George Farris 202-343-4541

Timetable: Subpart A was published as a proposed rule September 15, 1980 (45 FR 60923).

Subpart B will be published following the publication of Departmentwide rules by the National Park Service.

CFR Citation: **25 CFR Part 263** *Title:* **Guidance on the Application of the National Environmental Policy Act to Bureau Decisions**

Abstract: This rule will provide guidance to tribal governments and other persons and entities that propose the Bureau take an action which must be preceded by the preparation of either an environmental impact statement or an environmental assessment. This Part has been redesignated from 25 CFR Part 280.

Originally Scheduled: April 1981

Legal Authority: 42 U.S.C. 4321-4347

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George Farris 202-343-4541

CFR Citation: **25 CFR Part 271** *Title:* **Contracts under Indian Self-Determination and Education Assistance Act**

Abstract: The purpose of this rule is: (1) to change the method of award to tribes under the Self-Determination and Education Assistance Act, from contracts to grants, or cooperative agreements, which action is taken pursuant to the Federal Grant and Cooperative Agreement Act; (2) to provide changes in the administrative processes; and (3) to remove unnecessary administrative language.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 450; 41 U.S.C. 501

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Dale Heald 202-343-4796; Jim Burris 202-343-4796

Timetable: Proposed rule was published September 13, 1982 (47 FR 40326).

CFR Citation: **25 CFR Part 272** *Title:* **Grants Under Indian Self-Determination and Education Assistance Act**

Abstract: The purpose of this rule is to provide for changes in administrative processes and to establish procedures and definitions consistent with other parts of this chapter.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 450h

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number

of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Dale Heald 202-343-4796; Jim Burris 202-343-4796

Timetable: Proposed rule was pubished September 13, 1982 (47 FR 40338).

CFR Citation: **25 CFR Part 273** *Title:* **Education Contracts under Johnson-O'Malley Act**

Abstract: This rule will revise and provide consistency with the requirements for tribes under 25 CFR Part 271, clarify the relationship between tribes and Indian education committees and organize the subparts for easier use.

Originally Scheduled: May 1978

Legal Authority: 25 U.S.C. 455-457

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Noah Allen 202-343-8657

Timetable: Proposed rule was published September 13, 1982 (47 FR 40340).

CFR Citation: **25 CFR Part 274** *Title:* **School Construction Contracts or Services for Tribally Operated Previously Private Schools**

Abstract: This part is being revised to provide for grants or cooperative agreements rather than contracts, to include the Office of Indian Education Programs in the application and approval procedures, and to remove unnecessary administrative language.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 458, 458d; Pub.L. 93-638; Pub.L. 95-561; Pub.L. 96-46

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jay T. Suagee 202-343-2706; Harvey Jacobs 202-343-4493

Timetable: Proposed rule was published September 13, 1982 (47 FR 40348).

CFR Citation: **25 CFR Part 275** *Title:* **Staffing**

Abstract: This part outlines methods available to tribes for utilizing the services of Bureau employees. Revisions will be made to include the Office of Indian Education Programs in the application and approval procedures for the awards under Pub.L. 93-638.

Originally Scheduled: January 1981

Legal Authority: 42 U.S.C. 4762; 25 U.S.C. 450i; 26 U.S.C. 48

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Pat Fulgham 202-343-9306; Harvey Jacobs 202-343-5517

Timetable: Proposed rule was published September 13, 1982 (47 FR 40352).

CFR Citation: **25 CFR Part 276** *Title:* **Uniform Administrative Requirements for Grants**

Abstract: This rule establishes requirements for the uniform administration of grants to Indian Tribal Governments, pursuant to Pub.L. 93-638.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 93-638

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Dale Heald 202-343-4796

Timetable: Proposed rule was published September 13, 1982 (47 FR 40353).

CFR Citation: **25 CFR Part 277** *Title:* **School Construction Contracts for Public Schools under Indian Self-Determination and Education Assistance Act**

Abstract: The purpose of this rule is: (1) to change the method of award to tribes under the Self-Determination and Education Assistance Act from contracts to grants, which action is pursuant to the Federal Grant and Cooperative Agreement Act; (2) to provide changes in the administrative processes; and (3) to remove unnecessary administrative language.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 458c(b); 41 U.S.C. 501

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Frank Latta, P.O. Box 1788, Albuquerque, NM 87103, 505-766-2985

Timetable: Proposed rule was published September 13, 1982 (47 FR 40356).

CFR Citation: **25 CFR Part 278** *Title:* **Special Economic Development and Core Management for Small Tribes**

Abstract: This Part will contain regulations which offer grants to Indian tribes for business development, development of natural resources, and which encourage non-Federal investment and promote sound business principles and offer core management grants to small tribes to permit such tribes to establish and maintain competent and responsible management capabilities.

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Geary 202-343-2678

CFR Citation: **25 CFR Part 286** *Title:* **Indian Business Development Program**

Abstract: This rule will be amended to reflect the requirements necessary to implement the special economic development program. This Part has been redesignated from 25 CFR Part 80.

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a

substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Geary 202-343-2678

CFR Citation: **41 CFR Chapter 14H** *Title:* **Buy Indian Act Contracting**

Abstract: This rule will add a new Part to 41 CFR Chapter 14H in order to establish policies and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding construction) entered into with Indian economic enterprises for the products of Indian industry pursuant to the Act of June 25, 1910 (25 U.S.C. 47), which Act is usually referred to as the 'Buy Indian Act.'

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 47

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Peter A. Campanelli 202-343-5125

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **25 CFR Part 71** *Title:* **Preparation of a Roll to Serve as the Basis for the Distribution of Judgment Funds Awarded Certain Warm Springs Indians**

Abstract: This rule, which is scheduled for review, governs the compilation of a roll of certain members of the Confederated Tribes of the Warm Springs Reservation living on February 18, 1975. The roll shall be used for distribution of the judgment awarded the Tribes by the Indian Claims Commission in Docket 198. This Part has been redesignated from 25 CFR Part 43l.

Originally Scheduled: April 1981

Legal Authority: 87 Stat. 466

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Mitchell L. Bush 703-235-8323

CFR Citation: **25 CFR Part 116** *Title:* **Creation of Trusts for Restricted Property of Indians, Five Civilized Tribes, Oklahoma**

Abstract: This rule, which is scheduled for review, governs the establishment of trust estates for Indians of the Five Civilized Tribes, Oklahoma. This Part has been redesignated from 25 CFR Part 107.

Originally Scheduled: October 1981

Legal Authority: Section 7, 47 Stat. 778

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Dennis Springwater, Muskogee Area Office, Federal Building, Muskogee, OK 74401, 918-687-2314

CFR Citation: **25 CFR Part 118** *Title:* **Judgment Funds, Shoshone Tribe of the Wind River Reservation, Wyoming**

Abstract: This rule, which is scheduled for review, outlines programs required and purposes for which expenditures of judgment funds of the Shoshone Tribe of the Wind River Reservation, Wyoming, may be made. This Part has been redesignated from 25 CFR Part 109.

Originally Scheduled: October 1981

Legal Authority: Section 2, 53 Stat. 1128; 25 U.S.C. 572

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Alonzo T. Spang, Sr., Wind River Agency, Fort Washakie, WY 82514, 307-255-8301

CFR Citation: **25 CFR Part 119** *Title:* **Distribution of Judgment Awarded the Cherokee Nation or Tribe of Indians**

Abstract: This rule, which is scheduled for review, governs the disposition of judgment funds of the Cherokee Nation or Tribe of Indians of Oklahoma. This Part has been redesignated from 25 CFR Part 110.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 998; 76 Stat. 776

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Mitchell Bush 703-235-8323

CFR Citation: **25 CFR Part 124** *Title:* **Procedures for Depositing Funds to the Credit of 14x6140: Deposits of Proceeds of Lands Withdrawn for Native Selection**

Abstract: This rule, which is scheduled for review, describes the procedures to be used by all Departments and Agencies of the Federal government and the State of Alaska for the deposit of proceeds derived from contracts, leases, permits, and rights-of-way or easements pertaining to affected lands or resources in affected lands withdrawn for Native selection pursuant to the Alaska National Interest Lands Conservation Act. This Part has been redesignated from 25 CFR Part 114.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 96-487

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Scott Keep 202-343-5134

CFR Citation: **25 CFR Part 134** *Title:* **Partial Payment Construction Changes on Indian Irrigation Projects**

Abstract: This rule, which is scheduled for review, provides for the partial reimbursement of irrigation construction charges on Indian irrigation projects, with exceptions as noted. This Part has been redesignated from 25 CFR Part 211.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 385

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a

significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 135** *Title:* **Construction Assessment, Crow Indian Irrigation Project**

Abstract: This rule, which is scheduled for review, provides for construction assessments on Irrigation District lands and for non-Indian lands not included in an Irrigation District served by the Crow Indian Irrigation Project. This Part has been redesignated from 25 CFR Part 212.

Originally Scheduled: October 1981

Legal Authority: Section 15, 60 Stat. 338

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 136** *Title:* **Fort Hall Indian Irrigation Project, Idaho**

Abstract: This rule, which is scheduled for review, establishes a construction repayment schedule that will be in effect until 1995 for the Fort Hall Unit of the Fort Hall Indian Irrigation Project. This Part has been redesignated from 25 CFR Part 213.

Originally Scheduled: April 1981

Legal Authority: 46 Stat. 1063

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 137** *Title:* **Reimbursement of Construction Costs: San Carlos Indian Irrigation Project, Arizona**

Abstract: This rule, which is scheduled for review, establishes a payment construction schedule for the San Carlos Indian irrigation project. This Part has been redesignated from 25 CFR Part 215.

Originally Scheduled: April 1981

Legal Authority: 43 Stat. 476

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 138** *Title:* **Reimbursement of Construction Costs, Ahtanum Unit, Wapato Indian Irrigation Project, Washington**

Abstract: This rule, which is scheduled for review, provides for repayment of construction costs of the completed Ahtanum Unit of the Wapato Indian Irrigation Project. Annual assessments are due each year till 1997. The entire cost of construction must be repaid to the U.S. Treasury. This Part has been redesignated from 25 CFR Part 216.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 385

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 139** *Title:* **Reimbursement of Construction Costs Wapato-Satus Unit, Wapato Indian Irrigation Project, Washington**

Abstract: This rule, which is scheduled for review, provides for repayment of construction costs to the U.S. Treasury. Annual assessments are charged at rates depending on ownership as to Indian or non-Indian. Final payments are due in the year 2002. This Part has been redesignated from 25 CFR Part 218.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 386

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 142** *Title:* **Operation of U.S.M.S. 'North Star' between Seattle, Washington, and Stations of the Bureau of Indian Affairs and Other Government Agencies, Alaska**

Abstract: This part, which is scheduled for review, outlines passenger and freight services offered by the U.S.M.S. North Star. This Part has been redesignated from 25 CFR Part 254.

Originally Scheduled: April 1981

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Gerald Taylor, Seattle Liaison Office, Bureau of Indian Affairs, 816 United Pacific Building, Seattle, WA 98104, 206-442-5516

CFR Citation: **25 CFR Part 154** *Title:* **Osage Roll, Certificate of Competency**

Abstract: This rule, which is scheduled for review, establishes a determination and preparation of Osage Roll Issuance of Certificates of Competency to less than half blood Osages. This Part has been redesignated from 25 CFR Part 123.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 331; 62 Stat. 18

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lou White 202-343-7738

CFR Citation: **25 CFR Part 166** *Title:* **General Grazing Regulations**

Abstract: This rule, which is scheduled for review, protects grazing land from abuse and also authorizes a

permiting system. This Part has been redesignated from 25 CFR Part 151.

Originally Scheduled: April 1981

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 68, 179, 397, 402, 403, 466, 394, 393, 413, 476, 477, 68a, 87a, 415, 415a-d

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam Miller 202-343-4004

CFR Citation: **25 CFR Part 167** *Title:* **Navajo Grazing Regulations**

Abstract: This rule, which is scheduled for review, protects Navajo grazing land from abuse and also authorizes a permitting system. This rule will apply to the Navajo Reservation. This Part has been redesignated from 25 CFR Part 152.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 9, 179, 397, 345, 402

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam Miller 202-343-4004

CFR Citation: **25 CFR Part 171** *Title:* **Operation and Maintenance**

Abstract: This rule, which is scheduled for review, provides for the expeditious administration of Indian irrigation projects by authorizing changes to O and M assessment rates including such information that is pertinent to the assessment, payment, and collections of the charges by general notice in the Federal Register. This Part has been redesignated from 25 CFR Part 191.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 385

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 176** *Title:* **Flathead Indian Irrigation Project, Montana**

Abstract: This rule, which is scheduled for review, contains regulations to be followed for the operation of the electric power system at the Flathead Project, Montana. This Part has been redesignated from 25 CFR Part 232.

Originally Scheduled: April 1981

Legal Authority: 62 Stat. 273; 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 177** *Title:* **San Carlos Indian Irrigation Project, Arizona**

Abstract: This rule, which is scheduled for review, provides for the administration of the electric power system of the San Carlos Indian Irrigation Project. The project engineer is responsible for the operation of the electric power system and the enforcement of the regulations promulgated to provide power for the project and other client customers. This Part has been redesignated from 25 CFR Part 233.

Originally Scheduled: October 1981

Legal Authority: Section 5, 43 Stat. 476; 45 Stat. 210, 211; 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 217** *Title:* **Management of Tribal Assets of the Ute Indian Tribe, Uintah and Ouray Reservation, Utah, by the Tribe and the Ute Distribution Corporation**

Abstract: This rule, which is scheduled for review, establishes the procedures for exercising joint management of Ute Indian Tribe assets by the Tribe and the Ute Distribution Corporation. This Part has been redesignated from 25 CFR Part 178.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 677-677aa

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles Spilman, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, AZ 85011, 602-241-2284

CFR Citation: **25 CFR Part 242** *Title:* **Commercial Fishing on Red Lake Reservation**

Abstract: This rule, which is scheduled for review, grants authority to the Red Lake Fisheries Association and its members to engage in commercial fishing in accordance with stated regulations. This Part has been redesignated from 25 CFR Part 89.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 2, 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Barry Betts 202-343-6574

COMPLETED ACTIONS

CFR Citation: **25 CFR Part 23** *Title:* **Indian Child Welfare Act: Grants**

Abstract: This rule is being revised to elaborate and clarify the Indian Child Welfare Act grant application and appeal process (Subparts A and C through F). These revisions will complement the related procedures in this part which also pertain to implementation of the Indian Child Welfare Act.

Originally Scheduled: January 1981

Legal Authority: 25 U.S.C. 2, 9, 1952; 5 U.S.C. 301

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Raymond Butler 703-235-2756

Timetable: Proposed rule was published December 12, 1980 (45 FR 81781).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1076-0006.

Final rule was published September 10, 1982 (39978).

CFR Citation: **25 CFR Part 77** *Title:* **Preparation of a Membership Roll of the Pribilof Islands Aleut Communities of St. Paul and St. George**

Abstract: This rule adds a new Part to provide procedures to govern the preparation of a membership roll to serve as a basis for the distribution of judgment funds pursuant to a judgment plan. The judgment plan, which became effective June 22, 1980, was prepared in accordance with the Act of October 19, 1973 (87 Stat. 466). The substantive requirements for enrollment are in accordance with the Communities' membership provisions. This Part has been redesignated from 25 CFR Part 43d.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 93-134

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Mitchell L. Bush 703-235-8323

Timetable: Proposed rule was published April 21, 1982 (47 FR 17073).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1076-0019.

Final rule was published July 21, 1982 (47 FR 31547).

CFR Citation: **25 CFR Part 249** *Title:* **Off-Reservation Fishing**

Abstract: This Part is revised annually to take into account changed fishing conditions and to make improvements based upon experience with existing rules. This rulemaking involves close collaboration with the Departments of State and Commerce. This Part has been redesignated from 25 CFR Part 256.

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 2, 9; 43 U.S.C. 1457

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robin A. Friedman 202-343-8526

Timetable: Final rule was published July 15, 1982 (47 FR 30756).

CFR Citation: **25 CFR Part 250** *Title:* **Indian Fishing: Hoopa Valley Indian Reservation**

Abstract: As a result of recommendations submitted by a committee of Indians of the Hoopa Valley Indian Reservation, this rule will be revised to include: a confidentiality requirement for court records of juveniles; new enforcement procedures to govern checking of identification cards; clarification of net marking procedures; changes in catch reporting requirements; a ban on gillnet fishing during weekday daylight hours during the fall chinook run; a ban on gillnets from Klamath River during November; permitting of drift netting below the 101 Bridge from December 2 through July 14; permitting one end of a set net to be unanchored; listing tributaries that may not be blocked by nets and increasing the distance that nets must be away from those tributaries; establishing a separate offense for using another person's identification number; revising the system for fishing for the elderly and incapacitated; changing the fish marking system; requiring law enforcement officers to notify net owners directly when they seize a net and know who the net owner is; and, revisions in the penalties imposed for violations. This Part has been redesignated from 25 CFR Part 258.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1457; 25 U.S.C. 2, 9

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Wilson Barber, Northern California Agency, Bureau of Indian Affairs, P.O. Box 367, Hoopa, CA 95546, 916-625-4285

Timetable: Proposed rule was published June 1, 1982 (47 FR 23755).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance 1076-0046.

Final rule was published July 29, 1982 (47 FR 32848).

MINERALS MANAGEMENT SERVICE

National Center, Reston, Virginia 22092

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **30 CFR Part 221** *Title:* **Oil and Gas Operating Regulations**

Abstract: This rule will amend the regulations governing the discovery, development and production from onshore Federal and restricted Indian leases. The intent is to revise and and modernize the regulations which have not been thoroughly reviewed since 1942, and (1) eliminate unnecessary items, (2) reflect advancements made in technology, (3) incorporate provisions for environmental protection, (4) recognize outstanding Departmental opinions and policy directives, and (5) provide more meaningful enforcement actions.

Originally Scheduled: April 1981

Legal Authority: 5 U.S.C. 301; 30 U.S.C. 189

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Gerald R. Daniels 703-860-7535

Timetable: A Notice of Intent to propose rulemaking was published May 22, 1981 (46 FR 27968).

Proposed rule was published November 17, 1981 (46 FR 56564).

A Notice was published December 16, 1981 which extended the comment period to January 18, 1982.

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1010-0001.

CFR Citation: **30 CFR Part 226** *Title:* **Unit or Cooperative Agreements**

Abstract: This part will be revised and modernized in order to eliminate unnecessary items and to incorporate necessary modifications that will update the formation and operation of onshore Federal oil and gas unit plans. The model unit agreement for unproven areas also will be revised to incorporate all previously accepted modifications and those resulting from specific comments received in response to the Notice of Intent to propose rulemaking.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 189 and 226(e)

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Stephen Spector 703-860-7969

Timetable: A Notice of Intent to propose rulemaking was published May 14, 1981 (46 FR 26661).

Proposed rule was published June 10, 1982 (47 FR 25252).

CFR Citation: **30 CFR Parts 250 and 251** *Title:* **Environmental Reports/Tiering**

Abstract: These rules are being amended to emphasize the availability of tiering and incorporation by reference in the preparation of environmental reports for submission to the Department with regard to OCS operations. An alternative considered was to leave the regulations as they currently exist. The amendment will emphasize the availability of tiering and incorporation by reference thereby reducing the paperwork burden. Savings per report could range from minimal if little information is preexisting to savings of virtually the entire cost of preparing an environmental report (250.34-3 and 250.34-4).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule was published October 5, 1981 (46 FR 48951).

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Parts 211, 221, 231, 250, and 270** *Title:* **Royalty Management and Accounting**

Abstract: These parts are being amended to implement: the policy requiring lessees/payors/reporters to maintain all appropriate records available for audit for a period of 6 years, which will allow the Service to change the requirement that all such data be reported and will allow the Service to reduce the overall reporting burden; a procedure which will allow a 2 month payor plan which would allow payors to report and pay the appropriate royalties at the end of the second month following the month of production, which will allow payors using this plan sufficient time to gather the appropriate data to report and pay accurately; and a requirement that each lessee identify the payors for 100 percent of the royalty obligation, which would require that payors complete a payor information form which would detail the payment responsibilities of each party.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 189, 359, 1023; 43 U.S.C. 1334; 25 U.S.C. 396, 396a; Reorganization Plan of 1946

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Raymond A. Hicks 703-860-7311

Timetable: Proposed rule is scheduled to be published by March 1983.

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Parts 211, 221, 231, 250, and 270** *Title:* **Royalty Management and Accounting**

Abstract: These parts are being amended to implement the policy of requiring lessees/payors to submit adjustments to their lease accounts which have converted from the Royalty Accounting System to the Auditing and Financial Systen within the time schedule established during the post conversion period. This will allow for the orderly reconciliation of accounts within the time frame and guidance provided by the General Accounting Office and the Commission on Fiscal Accountability of the Nation's Energy Resources.

Originally Scheduled: October 1982

AUTHORITY: 30 U.S.C. 189, 359, 1023; 43 U.S.C. 1334; 25 U.S.C. 396, 396a; Reorganization Plan of 1946

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Raymond A. Hicks 703-860-7311

Timetable: A Notice announcing a time limitation for adjusting accounts was published July 9, 1982 (47 FR 29845).

A Notice revoking the Notice of July 9, 1982 was published August 2, 1982 (47 FR 33265).

A proposed rule is scheduled to be published by November 1982.

CFR Citation: **30 CFR Parts 211, 221, 231, 250, and 270** *Title:* **Royalty Management and Accounting**

Abstract: Legislation is currently pending before the Congress which, if passed, would require considerable modification of the existing royalty management and accounting provisions contained in these parts. A rule amending these parts will be developed immediately after passage of the legislation.

Originally Scheduled: October 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities

under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Raymond A. Hicks 703-860-7311

CFR Citation: **30 CFR Part 221** *Title:* **Oil and Gas Operating Regulations: Site Security**

Abstract: This part is being revised to include minimum site security standards at 30 CFR 221.37. The standards are based on the premise that the primary responsibility for site security rests with those who operate the leases; however, a plan will will be required. This rule implements a Linowes Commission recommendation.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 189

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Stephen Spector 703-860-7969

Timetable: A Notice of Intent to proposed rulemaking was published April 21, 1982 (47 FR 17076).

An Interim rule with request for comments is scheduled to be published in October 1982.

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Parts 221 and 231** *Title:* **Oil and Gas Operating Regulations; Operating Regulations for Exploration, Development and Production**

Abstract: These Parts will be amended in order to modify existing provisions to facilitate the development of tar sands.

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 189; 95 Stat. 1070

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Stephen Spector 703-860-7969

Timetable: Proposed rule was published May 12, 1982 (47 FR 20324).

Final rule is scheduled to be published in October 1982.

CFR Citation: **30 CFR Part 225** *Title:* **Disposal of OCS Royalty Oil**

Abstract: This part will be rescinded because the authority for disposal of OCS royalty oil was transferred to the Department of Energy by 42 U.S.C. 7152. The Department of Energy regulations are found in 10 CFR Part 39.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Platte Clark 703-860-7395

CFR Citation: **30 CFR Part 250** *Title:* **Exploration, Development and Production Activities**

Abstract: This rule is being amended to delete the requirement for development and production plans in areas developed prior to 1978 in the Western Gulf of Mexico as set out in Sec. 25 of the OCS Lands Act. The alternatives considered included continuation of the requirement for plans or a plan requiring less information. It is estimated that deleting the requirement will remove 30,000 annual burden hours imposed on the public (250.34-1 and 250.34-2).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule was published October 6, 1981 (46 FR 49554).

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 250** *Title:* **Remedies**

Abstract: This part is being amended to make clear that section 250.81 does not apply to appeals to the Interior Board of Land Appeals.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule was published July 21, 1981 (46 FR 37524).

CFR Citation: **30 CFR Part 250** *Title:* **Penalties**

Abstract: This part is being amended to meet the intent of Sec. 24 of the OCS Lands Act. Alternatives considered range from no change in the current regulations to rescission of regulations concerning administrative processing of penalties. The proposed changes are administrative in nature, therefore costs and benefits are estimated to be insignificant (250.80).

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David A. Schuenke 703-860-7916

CFR Citation: **30 CFR Parts 250 and 251** *Title:* **Petitions for Reconsideration**

Abstract: These parts are being revised to limit the right of petitions for reconsideration to a single request which must be made within a specified time limit of the order to be reconsidered (250.81 and 251.10).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the

Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Eva Datz 703-860-7395

Timetable: Proposed rule was published July 21, 1981 (46 FR 37524).

CFR Citation: **30 CFR Parts 250 and 251** *Title:* **Disclosure of Information**

Abstract: The Secretary is reconsidering the current regulations concerning the timing and circumstances allowing disclosure and release of information gathered on the OCS. Alternatives include immediate disclosure and release, lengthening the time for protection of such data, and retaining the current regulations. Increases and decreases in costs and benefits for each alternative shift between those with a proprietary interest in the data and those desiring full and immediate disclosure of the data (250.3 and 251.14).

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David A. Schuenke 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 251** *Title:* **Inspection, Selection and Submission of Geological and Geophysical Data and Information**

Abstract: This part will be amended to eliminate the requirement that lessees immediately report the processing, reprocessing or interpretation of geological and geophysical data. Alternatives considered included no change in the current requirement to reporting of the processing, reprocessing or interpretaion at a later date. Abolition of the requirement for immediate notice is estimated to reduce the burden imposed on the public by 2,000 hours per year per lease (251.11(a) and 251.12(a)).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jane Roberts 703-860-7916

Timetable: The information collection requirements contained in in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule was published July 1, 1982 (47 FR 28706).

CFR Citation: **30 CFR Part 251** *Title:* **Progress Report on Activities Conducted Under a Permit**

Abstract: This part is being amended to allow the status report to be filed monthly rather than weekly. Alternatives considered included no change in timing to various lengthening of the time intervals for reporting. It is estimated that changing the reporting period from weekly to monthly will reduce the burden imposed on the public by 75 percent (251.7-2).

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Neil Stoloff 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 253** *Title:* **Nondiscrimination in Employment and Contracting Practices in the Outer Continental Shelf**

Abstract: This part is being added to implement Section 604 of the OCS Lands Act which requires the Secretary to take affirmative action as deemed necessary to assure that no unlawful discrimination occurs in relation to activities in the OCS. This part will replace regulations formerly found in 43 CFR Part 35. Alternatives considered include no regulatory program, use of voluntary programs, piggybacking on existing Federal programs, minimal monitoring regulations, and detailed programmatic regulations. The potential costs could range from negligible for the first three alternatives to significant for the latter. Benefits would vary between alternatives similarly.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1863

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jane Roberts 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 255** *Title:* **Sand and Gravel Operations in the Outer Continental Shelf**

Abstract: This part is being added to provide a regulatory program for sand and gravel operations in the Outer Continental Shelf. Alternatives include no regulations, minimal regulations and very detailed regulations. Potential costs of no regulations and minimal regulations would be negligible. Detailed regulations could have significant costs to industry.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Neil Stoloff 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 256** *Title:* **Outer Continental Shelf Minerals and Rights-of-Way Management; General**

Abstract: The regulations currently found in 43 CFR Part 3300 will be

transferred to and redesignated as 30 CFR Part 256 in order to implement, in part, Amendment No. 1 to Secretarial Order No. 3071, which consolidated all of the Department's Outer Continental Shelf functions in the Minerals Management Service. The rule will then be reviewed to determine, among other things, the feasibility of providing for deposit into an interest-bearing account the cash deposit of the high bidder in a Federal Outer Continental Shelf lease sale. If the award to the high bidder were then sustained, the Government would receive the accrued interest; if the award were defeated, the bidder would receive accrued interest in addition to a refund of the cash deposit. Alternatives considered include leaving the rules unchanged. The proposal would result in benefits both to the Government and to bidders in the form of increased revenues.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1335

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Neil Stoloff 703-860-7564

CFR Citation: **30 CFR Part 257** *Title:* **Nonenergy Minerals on the Outer Continental Shelf**

Abstract: The Department is considering the establishment of a regulatory program governing the mining of nonenergy minerals on the Outer Continental Shelf. Alternatives considered include making leasing procedures site-specific without the use of general regulations. Potential costs include all of the administrative costs to the Government associated with the establishment and maintenance of a regulatory program, the expense to bidders in submittingh bids, and, for the successful bidder, the expense of complying with the terms of a lease. Potential benefits to the Government include the increased revenues which would result from a new leasing program for nonenergy minerals and enhancement of the national effort to ensure a domestic supply of strategic minerals. Potential benefits to industry include the availability of a new source of nonenergy minerals.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1335

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Neil Stoloff 703-860-7564

CFR Citation: **30 CFR Parts 259, 260, 262, and 263** *Title:* **Mineral Leasing**

Abstract: The Department is transferring and redesignating 10 CFR Parts 375, 376, 378, 390 and 391 to 30 CFR Parts 259, 260, 261, 262, and 263. Pub.L. 97-100 repealed Section 302(b) of the Department of Energy Organization Act, thus revesting in the Department the authority to promulgate regulations on alternative bidding systems. As this is strictly an administrative implementation of the legislative mandate, no alternatives were considered, and there are no relevant costs and benefits.

Originally Scheduled: October 1982

Legal Authority: Pub.L. 97-100; 43 U.S.C. 1335

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Neil Stoloff 703-860-7564

CFR Citation: **30 CFR Parts 260 and 261** *Title:* **Outer Continental Shelf Oil and Gas Leasing; Accounting Procedures for Determining Net Profit Share Payment for Outer Continental Shelf Oil and Gas Leases**

Abstract: These rules are being amended to delete the provisions relating to the use of variable net profit share and work commitment bidding systems in award of Federal oil and gas leases on the Outer Continental Shelf. Alternatives considered include retention of the two systems. Although the systems have never been used, projections indicate that the systems are costly, ineffective and counterproductive.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1337

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Neil Stoloff 703-860-7564

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Onshore Oil and Gas Order No. 1 *Title:* **Approval of Operations**

Abstract: This document is being issued under the revised oil and gas regulations as found in 30 CFR Part 221. Unneeded portions of NTL-6 would be removed and application for permit to drill requirements would be clarified. This rule is not codified.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 189

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Gerald D. Daniels 703-860-7535

Timetable: A Notice of Intent to propose rulemaking was published April 16, 1982 (47 FR 16426).

OCS Order No. 1 *Title:* **Marking of Equipment**

Abstract: Alternative methods of marking equipment are being considered to meet the statutory intent to establish responsibility for damage of commercial fishing gear. Potential costs of marking equipment far outweigh potential benefits, while no marking and therefore no costs would have a detrimental effect (Paragraph 5). This rule is not codified.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number

of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

OCS Orders Nos. 2, 3, 5, 7, and 8 *Title:* **Drilling Operations; Plugging and Abandonment of Wells; Production Safety Systems; Pollution Prevention and Control; Platforms and Structures**

Abstract: Consideration will be given to revising these Orders to: reflect editorial changes; eliminate excessive, burdensome or counterproductive regulations; and include recommendations by blowout investigation review boards. It is estimated that the proposed changes would result in a sizeable reduction in the paperwork burden imposed on the public. These rules are not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR Part 250; 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

OCS Order No. 2 *Title:* **Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment**

Abstract: Paragraph 8 of this OCS Order will be revised to incorporate by reference the second edition of the MMSS-OCS-1 Standards. The MMSS-OCS-1 edition will incorporate advances in technology, include the latest edition of documents incorporated by reference, clarify the requirements for drilling operations on the Outer Continental Shelf zones known to contain H2S, clarify the required preventive measures for the detection and control of H2S in zones where the presence of H2S is unknown, incorporate amendments published in several Federal Register notices, and make editorial changes in order to clarify the meaning of some sections. Alternatives considered include no change in the current standard. This was rejected because of the benefits of updating the standard to reflect the state of the art. This rule is not codified.

Originally Scheduled: October 1982

Legal Authority: 30 CFR 250.41; 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: LLoyd M. Tracey 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

OCS Order No. 6 *Title:* **Well Completion of Oil and Gas Wells**

Abstract: This rule will revise the existing Order (effective on August 28, 1969) which established guidelines that permit the conduct of well completion and workover operations in a safe manner and minimize the risk of pollution on the OCS. This rule is not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR 250.41, 250.43; 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

OCS Order No. 9 *Title:* **Pipelines**

Abstract: Consideration will be given to amending this Order to reflect advances in technology and the Memorandum of Understanding with the Department of Transportation. This rule is not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR Part 250; 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

OCS Order No. 11 *Title:* **Oil and Gas Production Rates, Prevention of Waste, and Protection of Correlative Rights**

Abstract: This order is being revised to eliminate the Maximum Efficient Rate (MER) concept of production control except for those reservoirs that are determined to be rate sensitive and to reduce the recordkeeping and reporting burden imposed on OCS operators. It is estimated that the proposed change would result in a significant reduction in the burden hours imposed on the public. This rule is not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR 250.10 and 250.11

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Richard Ensele 703-860-7564

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Title: **Alaska Region OCS Orders**

Abstract: It is proposed to revise and consolidate the currently effective Gulf of Alaska Area and the Arctic Area OCS Orders into a single set of OCS Orders applicable to all areas of the Alaska Region OCS, including the Bering Sea Area. An alternative considered was to leave the Orders as they currently exist. The proposed consolidation would decrease costs by not having to deal with numerous Orders in one area. These rules are not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR Part 250; 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: Proposed rule was published February 10, 1982 (47 FR 6138).

Final rule is scheduled to be published in October 1982.

COMPLETED ACTIONS

CFR Citation: **30 CFR Part 211** *Title:* **Coal Mining Regulations**

Abstract: This rule will eliminate burdensome, outdated and unneeded provisions of the existing coal mining regulations. It delineates the functions and responsibilities for coal mining operations on Federal lands and governs coal mining operations for production, development, mineral resource recovery and protection, royalties, diligent development, and maximum economic recovery on Federal lands under the Mineral leasing Act of 1920, as amended. The revisions also reflect amendments which resulted from public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior and recodify the regulations relating to the initial Federal lands program under the Surface Mining Control and Reclamation Act of 1977.

Originally Scheduled: May 1978

Legal Authority: 30 U.S.C. 181; 30 U.S.C. 1201

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Harold Moritz 703-860-7136

Timetable: Proposed rule was published May 19, 1980.

A second proposed rule was published December 16, 1981 (46 FR 61424).

A Notice was published January 7, 1982 which announced the scheduling of public meetings and extended the comment period to February 20, 1982.

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1028-0042.

Final rule was published July 30, 1982 (47 FR 33154).

CFR Citation: **30 CFR Parts 250 and 251** *Title:* **Reimbursement to Lessees and Permittees of Reproduction Costs and Costs of Processing Geophysical Data and Information**

Abstract: These parts are being amended to provide for the reimbursement of OCS lessees and permittees for the costs of reproducing geological and geophysical information and data submitted to, and retained by, the Director. A permittee would also be reimbursed at the lowest rate available for the cost of processing geophysical data in the form and manner of processing normally used in the conduct of the permittee's business. A lessee or permittee would also be reimbursed for the reasonable cost of processing geophysical data when the Secretary dictates the form and manner of processing. These amendments are necessitated by an opinion of the Solicitor, dated November 17, 1980, M-36924 (250.12(d), 250.34-1(k), 250.34-2(n), 250.39, 250.58, 251.2; 251.12; 251.13(d); 252.2).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule was published October 5, 1981 (46 FR 48952).

The information collection requirements contained in sections 250.58 and 251.13 of this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1028-0039.

Final rule was published June 11, 1982 (47 FR 25330).

CFR Citation: **30 CFR Parts 211, 221, 231, 250, and 270** *Title:* **Royalty Collections**

Abstract: These parts are being amended to implement the policy of imposing a late payment charge on all payments which are not received by the due date established by the terms of mineral leases and permits issued for Federal and Indian lands.

Originally Scheduled: July 1980

Legal Authority: Treasury Circular No. 1084

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Raymond Hicks 703-860-7311

Timetable: Interim rule was published December 23, 1980.

Final rule was published May 25, 1982 (47 FR 22524).

CFR Citation: **30 CFR Part 231** *Title:* **Operating Regulations for Exploration, Development and Production**

Abstract: This part will be amended to revise the definition of mining supervisor in section 231.2(c) and to clarify the responsibilities of operators and the government in section 231.73(b)-(c).

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 189 and 275

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Leshendok 703-860-7506

Timetable: Proposed rule was published November 17, 1981 (46 FR 56433).

Final rule was published June 3, 1982 (47 FR 24128).

CFR Citation: **30 CFR Part 250** *Title:* **Suspension of Operations and Lease Cancellation**

Abstract: This rule is being revised to provide for a suspension of operations when the lessee is delayed by government inaction (250.12(b)(1)).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the

Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Platte Clark 703-860-7395

Timetable: Proposed rule was published August 20, 1981 (46 FR 42286).

The information collection requirements contained in section 250.12 of this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1028-0043.

Final rule was published July 12, 1982 (47 FR 30055).

CFR Citation: **30 CFR Part 250** *Title:* **Air Quality**

Abstract: This rule would have established an offshore mileage limit on duty to submit data regarding air quality (250.57).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jane Roberts 703-860-7395

Timetable: Proposed rule was published March 7, 1980 (45 FR 15147).

A Notice withdrawing the proposed rule was published April 16, 1982 (47 FR 16349).

CFR Citation: **30 CFR Part 270** *Title:* **Geothermal Resources Operations on Public, Acquired and Withdrawn Lands**

Abstract: This part is being amended to prevent misinterpretation and reduce the quantity of required reports. Section 270.34 will be revised to clarify the relationships between environmental data collection and geothermal lease administration. Section 270.77 will be revised to reduce the frequency of a reporting requirement.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1023

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Gerald R. Daniels 703-860-7535

Timetable: Proposed rule was published September 8, 1981 (46 FR 44778).

The information collection requirements contained in section 250.77 of this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1028-0040.

Final rule was published June 3, 1982 (47 FR 24129).

OCS Order No. 2 *Title:* **Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment**

Abstract: This OCS Order will be amended to remove requirements that: (a) personnel, who are required to work in an H2S environment, shall undergo an ear drum examination; and (b) personnel with perforated eardrums shall be prohibited from working in an H2S environment. The amendment will also require personnel engaged in activities on the OCS in H2S or SO2 environments to be equipped with a pressure-demand-type respirator which conforms to prescribed standards. (MMSS-OCS-1,Section 5.2) This rule is not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR 250.41; 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: Proposed rule was published December 28, 1981 (46 FR 62716).

Final rule was published July 1, 1982 (47 FR 28888).

OCS Order No. 5 *Title:* **Failure Inventory and Reporting System**

Abstract: The Failure and Inventory Reporting Program will be rescinded by eliminating the requirements contained in OCS Order No. 5, Paragraph 6. This rule is not codified.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Marshall Courtois 703-860-6831

Timetable: Proposed rule was published September 30, 1981 (46 FR 47874).

Final rule was published April 30, 1982 (47 FR 18682).

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

1951 Constitution Avenue NW, Washington, D.C. 20240

CURRENT AND PROJECTED RULEMAKINGS

The following rules, which are scheduled for final publication in November 1982, are being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

CFR Citation: **30 CFR Parts 770-788 (Subchapter G)** *Title:* **Surface Coal Mining and Reclamation Operations Permits and Coal Exploration Systems Under Regulatory Programs**

Abstract: This rule will revise the permitting requirements of Subchapter G to: (1) suspend the regulations in Subchapter G which are duplicative, unnecessarily detailed or are required by other agencies; and (2) revise the remaining regulations as necessary by emphasizing results to be achieved rather than methods for achievement and by combining subject areas (e.g., hydrology requirements).

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Mary Josie Smith 202-343-2188

Timetable: Proposed rule was published June 25, 1982 (47 FR 27694).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 779, 780, 783, 816 and 817** *Title:* **Surface and Underground Permit Application and General Performance Standards: Revegetation**

Abstract: This rule will revise the revegetation standards to broaden the approaches available for determining success and to consider other alternatives in addition to reference areas and published technical guides. Performance requirements for post-mining land uses other than cropland will be modified. Tree and shrub shocking rates may be replaced with accepted local and regional reforestation practices. The requirement for a reference area where the post-mining land use is recreation, wildlife management, and other forest uses, and the special performance standard for permits that are 40 acres or less in size will be deleted. The section on introduced species and the period of responsibility will be revised for clarification purposes.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Arlo Dalrymple 202-343-4320

Timetable: Proposed rule was published March 23, 1982 (47 FR 12591).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 779, 780, 783, 784, 816, and 817** *Title:* **General Performance Standards: Hyrology and Geology Permitting**

Abstract: This rule will provide a major reorganization and clarification of the requirements stipulated in Pub.L. 95-87 for protection of the hydrologic balance. New hydrology regulations will emphasize mining techniques and reclamation practices. Water quality monitoring requirements will be based upon requirements cited in the Surface Mining Act and locally significant needs. They will be geared to streamline data collection and monitoring efforts. The revised regulations will clarify data requirements for determining the probable hydrologic consequences of mining and cumulative impact assessments.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Mosesso 202-343-5261

Timetable: Proposed rule was published June 25, 1982 (47 FR 27712).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 779, 780, 816 and 817** *Title:* **Surface and Underground Permit Applications and General Performance Standards: Fish and Wildlife**

Abstract: This rule will revise sections 779.20 and 780.16 to clarify issues raised in the Flannery litigation. Overburdensome or needless portions of sections 816.57(c) and 816.97 will also be revised or eliminated. The fish and wildlife reclamation plan, 780.16, will be revised to incorporate information on revegetation in 816.97(d)(9)(i).

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Parsons 202-343-4954

Timetable: Proposed rule was published March 30, 1982 (47 FR 13466).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 779, 783, 785, and 823** *Title:* **Special Permanent Program Performance Standards: Operations on Prime Farmlands**

Abstract: These rules will be revised to assure that prime farmland soils are returned to their original premining capability by returning the soil horizons in sequence and to a friable rooting medium. In addition, these rules would implement the special planning requirements for prime farmlands required by the permitting sections of the Surface Mining Control and Reclamation Act. The operator would have to demonstrate the technological capability to restore mined prime farmlands to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Don Smith 202-343-5954

Timetable: Proposed rule was published May 3, 1982 (47 FR 19076).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 779, 783, 816, and 817** *Title:* **General Performance Standards: Remining**

Abstract: This rule will include the development of a new section addressing remining of previously mined areas. Previously developed rules dealing with these issues will be consolidated into this section. The new rules will deal with highwall elimination, approximate original contour, backfill stability, upslope drainage control, highwall stability, and treatment of overcast spoil on the downslope remaining from initial mining.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published June 25, 1982 (47 FR 27734).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 784, 785, 816, 817, and 818** *Title:* **General Performance Standards: Subsidence/Concurrent Surface and Underground Mining**

Abstract: This rule will revise subsidence requirements to place greater emphasis on surface owner

protection. If underground mining results in subsidence that causes material damage or reduces the value of surface lands, the intent is to give the operators the option to: (1) restore, rehabilitate, replace, or purchase the damaged structure or valuable resource of surface land; or (2) compensate the owner for any damage or loss incurred by subsidence. The regulatory authority will have authority to suspend underground coal mining under urbanized areas and areas adjacent to major impoundments or permanent streams if imminent danger to inhabitants of the urbanized areas and communities is found. This rule will also revise Part 818, relating to concurrent surface and underground mining, and will incorporate its provisions with section 816.79. Because there appears to be no clear authorization for Section 816.79(b), beyond aspects which are redundant to other performance standards, consideration will be given to deleting this paragraph.

Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: C.Y. Chen 202-343-5261
Timetable: Proposed rule was published April 16, 1982 (47 FR 16604).
Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Part 785** *Title:* **Requirements for Permits for Special Categories of Mining: Experimental Practices**

Abstract: This rule will revise the permitting regulations to eliminate needless requirements and to reduce the paperwork burden on States and industry for the submission of experimental practice permit requests. The review and approval process will be streamlined to provide quick response to the requestor.

Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Ray Aufmuth 202-343-5261
Timetable: Proposed rule was published March 19, 1982 (47 FR 12082).
Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 785, 816, 817 and 827** *Title:* **Requirements for Permits for Special Categories of Mining, General Performance Standards and Special Performance Standards: Support Facilities and Coal Processing Plants**

Abstract: This rule will provide a new definition of 'Support Facilities.'
Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Art Anderson 202-343-5214
Timetable: Proposed rule was published June 25, 1982 (47 FR 27688).
Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 785, 816, 824, and 826** *Title:* **General Performance Standards: Post-Mining Land Use Variances**

Abstract: This rule will reorganize and revise regulations pertaining to post-mining land uses as follows: (1) Organize all principal parts of the regulations that directly influence the post-mining land use into one post-mining use section; (2) Provide separate and distinct requirements for each alternative post-mining land use condition - (a) return to premining use on AOC; (b) new post-mining use on AOC; (c) steep slope variance; mountaintop remove; experimental practices; (3) Clarify the applicability of specific performance standards under new post-mining land uses; and (4) Clarify the steep slope definition to include the scope of the steep slope post-mining land use variance to the extent permitted by the Act and legislative history.

Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Charles Myers 202-343-5587
Timetable: Proposed rule was published April 14, 1982 (47 FR 16149).
Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 785 and 822** *Title:* **Special Permanent Program Performance Standards: Alluvial Valley Floors**

Abstract: This rule will revise the requirements relating to alluvial valley floors. Proposed changes will include: (1) deleting the detailed application information requirements from the rules and placing them in a revised handbook; (2) correcting issues raised in the Flannery Round ε1 litigation, including deleting the requirement for one year of baseline hydrologic data and clarifying the definition of 'significance' and 'material damage;' and (3) revising existing alluvial valley floors to reflect conditions in New Mexico, Utah and North Dakota.

Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Dean Hunt 202-343-5981
Timetable: Proposed rule was published June 11, 1982 (47 FR 25486).
Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 815, 816 and 817** *Title:* **General Performance Standards: Roads**

Abstract: This rule will delete all the existing sections dealing with roads. In its place, rules will be developed providing performance standards. Such performance standards may include avoiding diminution and degradation of surface or groundwater quality and quantity, avoiding alternations of normal stream flow, avoiding erosion and siltation, avoiding air pollution, and preventing damage to either private or public property.

Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Jose delRio 202-343-4022
Timetable: Proposed rule published April 16, 1982 (47 FR 16592).
Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Erosion and Attendant Air Pollution**

Abstract: This rule will revise sections 780.15 and 784.26 to clarify and simplify the permit application requirements concerning air quality. In sections 816.95 and 817.95, suggested procedures for reducing fugitive emissions will be removed and appropriate procedures will be left to the discretion of the regulatory authority.
Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Robert Goldberg 202-343-4022
Timetable: Proposed rule was published February 18, 1982 (47 FR 7384).
Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Impoundments**

Abstract: A new rule will be developed which is oriented toward performance standards and gives the regulatory authority more flexibility in approving design criteria. OSM would require that the impoundments slopes be maintained, the structure be stable, seepage be avoided, the structure be compatible with its intended use, and that the structure be certified by a registered professional engineer.
Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Jose delRio 202-343-4022
Timetable: Proposed rule was published June 21, 1982 (47 FR 26754).
Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Explosives**

Abstract: The direction of this rulemaking will be to clarify the performance goals found in Section 515(b)(15) of the Act to allow greater State regulatory authority involvement in defining the degree of health, safety and environmental protection necessary to meet the Federal statute. Areas to be considered for specific revisions include ground vibration standards and distance limits.
Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Russ Price 202-343-5854
Timetable: Proposed rule was published March 24, 1982 (47 FR 12760).
Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Excess Spoil**

Abstract: This rule will revise the excess spoil regulations to provide primarily performance standards rather than design standards. A technical handbook describing design considerations for disposal of excess spoil material will be developed.
Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Ray Aufmuth 202-343-5261
Timetable: Proposed rule was published June 8, 1982 (47 FR 24954).
Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Coal Processing Waste**

Abstract: This rule will revise regulations applicable to coal processing waste. Specific items to be addressed include: (1) clearly defining what is a coal processing waste bank and what is a coal processing waste dam or embankment, by taking into consideration the current definitions of 'Refuse Pile' and 'Impounding Structure' in MSHA's regulation 30 CFR 77.217, and revise the regulation to be more consistent with MSHA's existing regulation on Refuse Piles and Impounding Structures; (2) placing emphasis for periodic safety inspection equally on both coal waste banks and coal waste dams as required in Section 515(f) of the Act (current regulations place more emphasis on coal waste banks); and (3) reducing burdensome language in the existing regulation for coal waste banks to eliminate overburdensome design criteria.
Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: C.Y. Chen 202-343-4022
Timetable: Proposed rule was published June 18, 1982 (47 FR 26598).
Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Topsoil**

Abstract: This rule will revise the topsoil regulations to clarify requirements applicable to approval of substitute material.
Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Leroy de Moulin 202-343-5954

Timetable: Proposed rule was published March 11, 1982 (47 FR 10742).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817** *Title:* **Permanent Program Performance Standards: Revegetation**

Abstract: This rule will reduce the level of design standards and provide States with the opportunity to implement revegetation performance standards and measuring techniques that are specific to the climatic, vegetation and soils conditions that occur in their jurisdictions.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-97

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Arlo Dalrymple 202-343-5864

Timetable: Proposed rule was published March 23, 1982 (47 FR 12591).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816, 817 and 826** *Title:* **General Performance Standards: Backfilling and Grading**

Abstract: This rule will revise the backfilling and grading regulations to provide a shorter, more streamlined approach which will increase operator flexibility and allow operators the latitude to consider site-specific conditions in meeting the overall performance standards. Specific design criteria will be replaced with general environmental performance standards (816.100-816.106; 817.100-817.106; 826.12).

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published June 21, 1982 (47 FR 26760).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 819** *Title:* **Special Permanent Program Performance Standards: Auger Mining**

Abstract: This rule will reorganize the regulations to include auger mining as a subpart of 819. Several changes will be proposed to the existing regulations: (1) Deletion of paragraphs (a)(1), (a)(2), and (a)(3); (2) Deletion of paragraphs (c)(1), and (3) Revision of paragraph (e).

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published March 19, 1982 (47 FR 12008).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Part 850** *Title:* **Training, Examination and Certification of Blasters**

Abstract: This rule will establish minimum requirements for training and certifying persons involved in blasting surface coal mining operations and will simplify the provisions of the Part in order to leave as much flexibility as possible to State regulatory authorities.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jerry Ennis 202-343-7887

Timetable: Proposed rule was published March 24, 1982 (47 FR 12779).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 701, 715, 786, 816, and 817** *Title:* **Hydrologic Balance**

Abstract: This rule will revise sedimentation pond and effluent limitation criteria to comply with the latest Environmental Protection Agency rule (40 CFR 434) and eliminate uncertain applicable design criteria.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jose delRio 202-343-4022

Timetable: Proposed rule was published July 2, 1981 (46 FR 34784).

CFR Citation: **30 CFR Parts 701, 776 and 815** *Title:* **Coal Exploration**

Abstract: This rule will amend the coal exploration permit requirements contained in Part 776 and would redesignate them as Part 772. The performance standards of Part 815 would also be amended. Most of the changes eliminate counterproductive or burdensome regulations. The remaining changes clarify the rules and include a new definition of coal exploration as defined in section 701.5.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Stan Zeccolo 202-343-4022

Timetable: Proposed rule was published May 18, 1982 (47 FR 21442).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Part 706** *Title:* **Restriction on Financial Interests of Federal Employees: Responsibility**

Abstract: 30 CFR 706.5 will be revised to reflect a reassignment of responsibilities outlined under the Surface Mining Control and Reclamation Act. Certain responsibilities would more appropriately rest with the heads of other various agencies and not with the Director of the Office of Surface Mining.

Originally Scheduled: Octoer 1982

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Mark Sucher 202-343-3326

Timetable: Proposed rule is scheduled to be published in October 1982.

CFR Citation: **30 CFR Parts 716 and 785** *Title:* **Prime Farmland: Interim and Permanent Regulatory Program**

Abstract: These rules will establish a date from which all grandfathered prime farmlands must begin to comply with the special prime farmland provisions of the Act. This is intended to: give coal operators the time needed to provide a fair and reasonable transition period to meet the prime farmlands reclamation standards; and, meet the need of placing limits on the amount of grandfathering allowed while granting operators an exemption on a pre-August 3, 1977 permit areas, so they may begin to meet the prime farmland requirements after a reasonable transition period.

Originally Scheduled: July 1979

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Don Smith 202-343-5954

Timetable: Proposed rule was published March 22, 1982 (47 FR 12310).

A Notice was published April 12, 1982 which extended the public comment period to April 28, 1982.

A Notice was published April 28, 1982 which extended the public comment period to May 17, 1982.

An Interim rule was published July 30, 1982 (47 FR 32939).

CFR Citation: **30 CFR Parts 716 and 786** *Title:* **Special Performance Standards: Operations on Steep Slopes**

Abstract: This rule will resolve conflicts in those situations where a new mining operation affects previously mined lands and the new mining operation will not generate sufficient spoil to completely backfill the highwall (716.2 and 826.12).

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-4022

Timetable: Proposed rule was published January 7, 1982 (47 FR 928).

CFR Citation: **30 CFR Parts 740-746 (Subchapter D)** *Title:* **Federal Lands Program**

Abstract: These rules are being revised to: (1) allow a State to more fully assume the primary role for the regulation of surface coal mining and reclamation operations on Federal lands pursuant to section 523(c) of the Act; (2) eliminate portions of the Federal lands regulations which are considered to be excessive, burdensome and counterproductive; (3) bring the regulations into conformity with the reorganization of OSM which was recently approved by the Secretary; (4) include the provisions of an approved State program, in accordance with section 523(a) of the Act, as the minimum requirements for surface coal mining and reclamation operations on Federal lands; and (5) clarify the relationship between the requirements of the Mineral Leasing Act of 1920 and the Surface Mining Control and Reclamation Act of 1977 as they relate to mining plans and permit applications.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Len Richeson 202-343-5361

Timetable: Proposed rule was published June 9, 1982 (47 FR 25092).

CFR Citation: **30 CFR Parts 750-759 (Subchapter E)** *Title:* **Permanent Federal Program for Indian Lands**

Abstract: This rule will apply the permanent surface mining program requirements to Indian lands.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: H.B. Simpson 202-343-5866

CFR Citation: **30 CFR Parts 760-769 (Subchapter F)** *Title:* **Areas Unsuitable for Mining**

Abstract: This rule will revise 30 CFR Subchapter F to provide greater procedural flexibility to the States in declaring lands unsuitable for mining.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Carl Close 202-343-4225

Timetable: Proposed rule was published June 10, 1982 (47 FR 25278).

CFR Citation: **30 CFR Part 795** *Title:* **Small Operator Assistance**

Abstract: This rule will revise 30 CFR Part 795 to increase attractiveness of the Small Operator Assistance Program to small operators and to allow greater State control over decisions.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has

determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Doug Growitz 202-343-9104

Timetable: Proposed rule was published June 25, 1982 (47 FR 27744).

CFR Citation: **30 CFR Parts 800-809 (Subchapter J)** *Title:* **Bond and Insurance Requirements for Bonding of Surface Coal Mining and Reclamation Operations**

Abstract: This rule will revise Subchapter J in response to comments received and legal, economic and environmental problems raised. The anticipated approach is to deal with types of bonds, such as surety and collateral, separately from the procedures which apply to bonding. Areas which will be covered include: adjustments, forfeiture and releases.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Russ Price 202-343-4022

Timetable: Proposed rule was published September 9, 1981 (46 FR 45082).

CFR Citation: **30 CFR Part 806** *Title:* **Self-Bonding**

Abstract: This rule will be revised to provide parameters for establishing minimum criteria for financial solvency and continuous operation as required in Section 509(C) of the Surface Mining Control and Reclamation Act. The amendments will affect sections of the rule which were suspended on December 7, 1981. Those portions which were suspended were found to require excessive information and were overly stringent. This rule will also amend and move the requirements of 30 CFR 806.14 to 30 CFR 800.23.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Russ Price 202-343-7887

Timetable: Proposed rule was published August 20, 1982 (47 FR 36570).

CFR Citation: **30 CFR Part 820** *Title:* **Special Permanent Program Performance Standards: Anthracite Mines in Pennsylvania**

Abstract: This rule will revise the permanent program regulations in 30 CFR Part 820 that implement Section 529 of the Surface Mining Control and Reclamation Act of 1977. This revision reflects changes in the anthracite environmental provisions promulgated by the Commonwealth of Pennsylvania since August 3, 1977.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George Stone 202-343-5361

Timetable: Proposed rule was published August 5, 1982 (47 FR 33988).

CFR Citation: **30 CFR Part 870** *Title:* **Abandoned Mine Reclamation Fund: Fee Collection and Coal Production Reporting**

Abstract: 30 CFR 870.15(b) will be revised to incorporate new requirements for additional information needed to check production figures against other sources as prescribed in forms OSM-1 and OSM-1(a). The rule also will add a definition of 'operator' to 30 CFR 870.5, which will clarify the responsibility for fee payment and avoid costly and time-consuming investigations and litigation in determining the liable party. In addition, a new 30 CFR 870.13(e) will be proposed, which will contain a method of computing fees where no records have been kept. 30 CFR 870.15 will be revised to add the requirement of a 6-year statute of limitation (already in Federal debt collection law) on overdue fees to give operators fair ans sufficient notice of their extent of liability for interest on overdue fees. A new requirement will be added to 30 CFR 870.17 to give the Office of Surface Mining authority to audit all tipples, including non-producers.

Originally Scheduled: October 1982

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jean McIntyre 202-343-7944

CFR Citation: **30 CFR Part 870** *Title:* **Abandoned Mine Land Reclamation Fee Payment: Interest Rate/Electronic Fund Transfer**

Abstract: 30 CFR 870.15(c) will be revised to reflect the imposition of a different interest rate on overdue reclamation fees. Additionally, 30 CFR 870.15(d) will be revised to add a requirement that operators, who owe a total of $100,000 or more in reclamation fees per quarter, must use electronic transfer of funds through the Treasury Financial Communications System to transmit such fees to the Office of Surface Mining.

Originally Scheduled: October 1982

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jean McIntyre 202-343-7944

Timetable: Proposed rule is scheduled to be published in October 1982.

CFR Citation: **30 CFR Part 886** *Title:* **State Reclamation Grants**

Abstract: 30 CFR 886.20 will be revised in order to delete the use of forms OSM-62 and OSM-63.

Originally Scheduled: October 1982

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to

whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James Fary 202-343-7921

CFR Citation: **30 CFR Parts 900, 906, 915, 916, 918, 920, 924, 925, 926, 931, 934, 936, 943, 944, 948, and 950** *Title:* **State Programs**

Abstract: This rule will provide an introduction to Subchapter T and make amendments to certain parts to incorporate by reference the approved State regulatory programs.

Originally Scheduled: January 1980
AUTHORITY: Pub.L. 95-87

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time. CONTACT: George Stone 202-343-5361

CFR Citation: **30 CFR Subchapter T**
Title: **State Program Approvals**

Abstract: This Subchapter will contain approvals of programs for regulatory authority in States to administer the Surface Mining Control and Reclamation Act. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: January 1980
Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these documents will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Art Abbs 202-343-5361

Timetable: Alaska (902) - State Program: Proposed rule was published August 3, 1982 (47 FR 33520).

Arizona (903) - Federal Program: Proposed rule is scheduled to be published in October 1982.

California (905) - Federal Program: Proposed rule was published July 28, 1982 (47 FR 32686).

Idaho (912) - Federal Program: Proposed rule was published July 12, 1982 (47 FR 30212).

Michigan (922) - Federal Program: Proposed rule was published June 21, 1982 (47 FR 26779).

Nebraska (927) - Federal Program: Proposed rule is scheduled to be published in November 1982.

Nevada (928) - Federal Program: Proposed rule is scheduled to be published in October 1982.

North Carolina (933) - Federal Program: Proposed rule is scheduled to be published in November 1982.

Oregon (937) - Federal Program: Proposed rule was published June 21, 1982 (47 FR 26786).

South Dakota (941) - Federal Program: Proposed rule was published August 10, 1982 (47 FR 34760).

Washington (947) - Federal Program: Proposed rule was published June 21, 1982 (47 FR 26794).

CFR Citation: **30 CFR Subchapter T**
Title: **Abandoned Mine Reclamation Plans**

Abstract: This Subchapter will incorporate the abandoned mine reclamation plans for various States and Indian Tribes which have approved permanent regulatory programs. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: April 1981
Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these documents will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James Fary 202-343-7921

Timetable: Arkansas (904) - Proposed rule was published July 13, 1982 (47 FR 30267).

Wyoming (950) - Proposed rule was published May 10, 1982 (47 FR 20002).

Crow Tribe (951) - Proposed rule was published May 18, 1982 (47 FR 21274).

Hopi Tribe (952) - Proposed rule was published July 22, 1982 (47 FR 31709).

CFR Citation: **30 CFR Subchapter T**
Title: **State-Federal Cooperative Agreements**

Abstract: This Subchapter will incorporate the State-Federal Cooperative Agreements for the permanent regulatory programs on Federal lands in various States. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: January 1980
Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these documents will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Andy DeVito 202-343-5361

Timetable: Colorado (906) - Proposed rule was published February 2, 1982 (47 FR 4694).

New Mexico (931) - Proposed rule was published June 1, 1982 (47 FR 23898).

North Dakota (934) - Proposed rule was published June 21, 1982 (47 FR 26769).

Utah (944) - Proposed rule was published March 31, 1982 (47 FR 13738).

Virginia (946)

West Virginia (948) - Proposed rule is scheduled to be published in September 1982.

COMPLETED ACTIONS

CFR Citation: **30 CFR Part 700** *Title:* **Two Acre Exemption: Extraction of Coal**

Abstract: This part is being revised to address abuses that have been documented regarding the extraction of coal where a surface mining operation affects two acres or less (700; 701; 764; 770; 771; 779; 780; 783; 784; 785; 788; 816; 817; 825; 828).

Originally Scheduled: January 1981
Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Danny Ellis 202-343-5361

Timetable: Final rule was published January 23, 1981.

A Notice was published February 4, 1981 which extended the effective date of this rule until March 30, 1981.

A Notice was published March 23, 1981 which suspended the effective date of this rule.

A Notice was published April 3, 1981 which suspended the effective date of this rule until May 4, 1981 and requested comments on the suspension.

A Notice was published April 29, 1981 which suspended the effective date of this rule until June 15, 1981.

A Notice was published June 15, 1981 which suspended the effective date of this rule until August 15, 1981.

A Notice was published August 10, 1981 which withdrew the final rule.

Proposed rule was published January 4, 1982 (47 FR 41).

A Notice was published February 8, 1982 which reopened the comment period to February 16, 1982.

Final rule was published August 2, 1982 (47 FR 33424).

CFR Citation: **30 CFR Parts 715, 816 and 817** *Title:* **General Performance Standards: Variances from AOC Terraces**

Abstract: This rule will amend sections 715.14(b)(2)(i), 816.102(b)(1) and 817.102(b)(1) to provide increased flexibility in developing post-mining land use alterations without reducing erosion control, safety and stability.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles Myers 202-343-2184

Timetable: Proposed rule was published August 5, 1981; comment period ended September 4, 1981.

Final rule was published April 29, 1982 (47 FR 18552).

CFR Citation: **30 CFR Parts 725 and 735** *Title:* **Reimbursements to States: Grants for Program Development, Administration and Enforcement**

Abstract: This rule will amend 30 CFR Parts 725 and 735 which set forth the procedures for the submission, review, approval or disapproval, monitoring, and reporting of financial assistance to the States for grants to implement the initial regulatory program, the permanent regulatory program and the Small Operator Assistance Program.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Gene Krueger 202-343-5361

Timetable: Proposed rule was published September 21, 1981 (46 FR 46744).

Final rule was published August 31, 1982 (47 FR 38486).

CFR Citation: **30 CFR Parts 730-736 (Subchapter C)** *Title:* **Permanent Regulatory Programs for Non-Federal and Non-Indian Lands**

Abstract: This rule will revise Subchapter C to reduce burdens on States and increase State's ability to shape local regulatory programs.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Carl C. Close 202-343-4225

Timetable: Proposed rule was published December 4, 1981; comment period closed January 18, 1982.

Final rule was published June 17, 1982 (47 FR 26356).

CFR Citation: **30 CFR Part 825** *Title:* **Special Permanent Program Performance Standards: Special Bituminous Coal Mines in Wyoming**

Abstract: This rule will continue to set forth the provisions which identify those operations in Wyoming that qualify as special bituminous coal mines. The only significant change will be the incorporation by reference of the approved Wyoming statutory and regulatory program.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Lewis McNay 202-343-7881

Timetable: Proposed rule was published January 4, 1982 (47 FR 41).

Final rule was published August 2, 1982 (47 FR 33424).

CFR Citation: **30 CFR Part 826** *Title:* **Special Permanent Program Performance Standards: Excess Spoil on Existing Benches**

Abstract: This rule will revise the steep slope mining requirements and reorganize them so that they can be incorporated with other performance standards for surface coal mining and reclamation operations.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published July 20, 1981 (46 FR 37283).

Final rule was published April 29, 1982 (47 FR 18553).

CFR Citation: **30 CFR Parts 840-845 (Subchapter L)** *Title:* **Permanent Program Inspection and Enforcement Procedures**

Abstract: This rule will revise 30 CFR Subchapter L to simplify inspection and enforcement procedures.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Timetable: Proposed rule was published December 1, 1981 (46 FR 58464).

Final rule effecting 30 CFR Part 843 was published April 29, 1982 (47 FR 18555).

Final rule was published August 16, 1982 (47 FR 35620).

CFR Citation: **30 CFR Parts 870-889 (Subchapter R)** *Title:* **Abandoned Mine Land Reclamation**

Abstract: This rule will streamline the requirements of 30 CFR Subchapter R

relating to abandoned mine land reclamation.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Don Willen 202-343-4012

Timetable: Proposed rule was published December 11, 1981 (46 FR 60778).

Final rule was published June 30, 1982 (47 FR 28574).

CFR Citation: **30 CFR Subchapter T**
Title: **State Program Approvals**

Abstract: This Subchapter will contain approvals of programs for regulatory authority in States to administer the Surface Mining Control and Reclamation Act. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these documents will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Art Abbs 202-343-5361

Timetable: Alabama (901) - State Program: Conditional approval was published May 20, 1982 (47 FR 22030).

Georgia (910) - Federal Program: Revised final program was published August 19, 1982 (47 FR 36396).

Illinois (913) - State Program: Conditional approval was published June 1, 1982 (47 FR 23858).

Indiana (914) - State Program: Conditional approval was published July 26, 1982 (47 FR 32071).

Kentucky (917) - State Program: Conditional approval was published May 18, 1982 (47 FR 21404).

Massachusetts (921) - Federal Program: Final coal exploration program was published April 28, 1982 (47 FR 18232).

Michigan (922) - Federal Program: Final coal exploration program was published April 28, 1982 (47 FR 18232).

Ohio (935) - State Program: Conditional approval was published August 10, 1982 (47 FR 34688).

Oregon (937) - Federal Program: Final coal exploration program was published April 28, 1982 (47 FR 18232).

Pennsylvania (938) - State Program: Conditional approval was published July 30, 1982 (47 FR 33050).

Rhode Island (939) - Federal Program: Final coal exploration program was published April 28, 1982 (47 FR 18232).

Tennessee (942) - State Program: Conditional approval was published August 10, 1982 (47 FR 34754).

CFR Citation: **30 CFR Subchapter T**
Title: **Abandoned Mine Reclamation Plans**

Abstract: This Subchapter will incorporate the abandoned mine reclamation plans for various States which have approved permanent regulatory programs. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these documents will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James Fary 202-343-7921

Timetable: Alabama (901) - Proposed rule was published August 6, 1981. Final rule was published May 20, 1982 (47 FR 22060).

Colorado (906) - Proposed rule was published March 26, 1982. Final rule was published June 11, 1982 (47 FR 25332).

Illinois (913) - Proposed rule was published July 28, 1981. Final rule was published June 11, 1982 (47 FR 23858).

Indiana (914) - Proposed rule was published January 21, 1982. Final rule was published July 26, 1982 (47 FR 32108).

Kentucky (917) - Proposed rule was published August 6, 1981. Final rule was published May 18, 1982 (47 FR 21404).

Maryland (920) - Proposed rule was published April 1, 1982. Final rule was published June 16, 1982 (47 FR 25955).

Ohio (935) - Proposed rule was published October 28, 1980. Final rule was published August 10, 1982 (47 FR 34718).

Pennsylvania - Proposed rule was published November 13, 1981. Final rule was published July 30, 1982 (47 FR 33051).

Tennessee (942) - Proposed rule was published April 23, 1982. Final rule was published August 10, 1982 (47 FR 34754).

BUREAU OF RECLAMATION

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 426** *Title:* **Acreage Limitation Rules and Regulations**

Abstract: This rule will establish policies and procedures to meet the Secretary's responsibilities in administering the acreage limitation and other provisions of Reclamation law. The rule will be issued in compliance with a U.S. District Court order to promulgate rules and regulations dealing with acreage limitations, with specific reference to procedures to be used to approve sales of excess land.

Originally Scheduled: July 1980

Legal Authority: The Reclamation Act of 1902, as amended and supplemented; 43 U.S.C. 371 et seq.

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Frank E. Ellis 202-343-5671; Vernon S. Cooper, Engineering and Research Center, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225, 303-234-7195

Timetable: Proposed rule was published August 25, 1977 (42 FR 43044).

A second proposed rule and Notice of Availability of the Draft EIS were published January 14, 1981 (46 FR 3350).

Notices were published February 19, 1981 which suspended the comment periods on the proposed rule and the Draft EIS for an indefinite period of time.

Notices were published July 21, 1981 which reopened the comment periods on the proposed rule and the Draft EIS until December 31, 1981.

A Notice was published December 31, 1981 which announced the scheduling of public hearings and extended the comment periods on the proposed rule and Draft EIS until March 5, 1982.

A Notice was published February 11, 1982 which postponed the previously scheduled public hearings due to

impending action by Congress to reform Federal Reclamation laws dealing with acreage limitation.

The House and the Senate have passed bills which are to be considered by a Conference Committee during the second session of the 97th Congress. If reform legislation is enacted, rules and regulations will be issued to implement the law. However, if legislation is not passed, then action will be taken to complete the preparation of rules and regulations based on existing law.

CFR Citation: **43 CFR Part 427** *Title:* **Public Use of Project Lands Administered for Outdoor Recreation**

Abstract: This rule will identify circumstances under which the use of recreation areas may be restricted in order to protect public safety and health, public property and natural resources.

Originally Scheduled: January 1981

Legal Authority: Section 10 of the Reclamation Act of 1902; 32 Stat. 390; 43 U.S.C. 373

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathy Brocato 202-343-5204

CFR Citation: **43 CFR Part 429** *Title:* **Recovery of Costs and Procedures for Issuing Rights-of-Way Across Lands of the Bureau of Reclamation**

Abstract: This rule will prescribe what costs for issuing a right-of-way (ROW) are to be collected from the entity receiving the ROW. It will also prescribe certain clauses which are to be included in all ROW documents.

Originally Scheduled: January 1980

Legal Authority: 43 U.S.C. 387, 389; Assistant Attorney General Opinion 34 L.D. 480 (1906)

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Terry G. Cooper 202-343-5204

Timetable: Proposed rule was published September 10, 1979 (44 FR 52699).

The information collection requirements contained in section 429.6 of this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

A second proposed rule is scheduled to be published in October 1982.

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **43 CFR Part 421** *Title:* **Rules of Conduct at Hoover Dam**

Abstract: This rule, which is scheduled for review, relates to the conduct of visitors at Hoover Dam. The rule pertains to: the preservation of property; conformity with signs and emergency directions; disturbances; vehicular and pedestrian traffic; gambling; alcoholic beverages and narcotics; soliciting, vending, advertising, and distribution of handbills; photography and motion pictures; weapons and explosives; audio devices; abandoned and unattended property; closing of areas; and, nondiscrimination.

Originally Scheduled: January 1981

Legal Authority: 40 U.S.C. 318

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Tom Kane 202-343-2143

BUREAU OF LAND MANAGEMENT

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Subpart 1601** *Title:* **Planning**

Abstract: This rule will eliminate burdensome, outdated and unneeded provisions in the existing planning regulations. The decision as to which provisions should be eliminated was arrived at after a thorough review of public comments received in response to a request by the Secretary of the Interior and after an extensive review of the existing regulation by Bureau of Land Management personnel.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1712

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David C. Williams 202-653-8824; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published December 16, 1980 (45 FR 82679).

A second proposed rule was published November 23, 1981 (46 FR 57448).

CFR Citation: **43 CFR Groups 3000 and 3100** *Title:* **Onshore Oil and Gas Leasing**

Abstract: These rules are being amended to remove outdated and burdensome provisions and to simplify the entire group of regulations.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 181 et seq., 351-359, 301-306

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles Weller 202-343-7753; Robert C. Bruce 202-343-8735

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule was published June 30, 1982 (47 FR 28550).

CFR Citation: **43 CFR Part 3200** *Title:* **Geothermal Resource Leasing: General**

Abstract: This rule will be revised to provide a modification of the treatment of escalating rentals when excess exploration expenditures are made and to eliminate the requirement for a plan of operations or exploration to be submitted before a lease can be submitted (3250).

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 1001-1025

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number

of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Karl Duscher 202-343-8537; R.O. Miller 202-343-8735

Timetable: Proposed rule was published April 30, 1982 (47 FR 18826).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0063.

CFR Citation: **43 CFR Subpart 3809** *Title:* **Surface Management**

Abstract: This rule will amend subparts 3809.1-3 and 3809.1-4 that relate to the conditions under which a mining claimant/operator is required to file either a Notice or a Plan of Operations covering the proposed locatable mineral activities. Operators disturbing 5 acres or less on any of the special category lands listed in subpart 3809.1-4 would need to submit a notice rather than the operations plan now required for such activities. These amendments would reduce costs for claimants/operators by lessening the filing and bonding requirements and the processing delays associated with their review and approval. Prior to commencing operations under a notice, however, the operator would agree to reclaim disturbed lands and to take appropriate steps to prevent unnecessary degradation of the lands.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 22 et seq., 612; 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Eugene Carlat 202-343-8357; Robert C. Bruce 202-343-8735

Timetable: The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0104.

Proposed rule was published March 22, 1982 (47 FR 12197).

CFR Citation: **43 CFR Part 3900** *Title:* **Federal Oil Shale Management**

Abstract: This rule will establish procedures for conducting a competitive leasing program, including procedures for issuing competitive oil shale leases, leasing multimineral deposits, issuing exploration licenses, and managing oil shale leases. Oil shale is a resource that has significant potential to increase the domestic energy supply and to reduce the Nation's dependence on foreign sources of energy. The rule is needed to establish procedures that will allow orderly development of this resource.

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 181 et seq.; 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is a major rule under E.O. 12291.

Annual Federal costs of administering the oil shale leasing program described in the rule are estimated to be $3.5 million to $4.0 million. Total production from Federal leases is expected to range from 120,000 barrels per day to 400,000 barrels per day by the year 2000. The annual production costs associated with Federal oil shale leases are estimated to range from $1.2 billion to $3.1 billion. The shift in balance of payments resulting from the Federal program is estimated to be $5.5 billion to $7.0 billion in 1990. The rule, therefore, has been determined to be major because it is anticipated to have greater than a $100 million annual impact on the economy.

Copies of the Preliminary Regulatory Impact Analysis will be available from the Contacts upon publication of the proposed rule. Copies of the Final Regulatory Impact Analysis will be available from the Contacts upon publication of the final rule.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Monte Jordan 202-343-4636; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by November 1982.

Final rule is scheduled to be published by May 1983.

CFR Citation: **43 CFR Part 1860** *Title:* **Conveyancing Documents**

Abstract: This rule will be amended to provide a procedure under which documents of disclaimer or corrections of conveyance documents can be applied for and obtained.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1745, 1746

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Henry Beauchamp 202-343-8693; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published May 3, 1982 (47 FR 19060).

CFR Citation: **43 CFR Part 2050** *Title:* **Alaska Easement Management**

Abstract: This rule will provide the procedure for the management of easements reserved under Section 17(b) of the Alaska Native Claims Settlement Act.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1701 and 1713

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lee Barkow 202-343-6511; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Part 2200** *Title:* **Exchanges: General Procedures**

Abstract: This rule will be amended to: make conveyance of lands exchanged for one of the Federal systems mandatory at time of finalization and exchange; remove exchanges from coverage of the Uniform Relocation Assistance and Real Property Acquisition Policies Act; and remove the requirement for publication of conveyance of lands under exchange.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1715, 1716, 1732 and 1740

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Hemstreet 202-343-8731; Robert C. Bruce 202-343-8635

CFR Citation: **43 CFR Part 2370** *Title:* **Withdrawal Revocation**

Abstract: This rule, which provides the procedures under which a Federal agency holding withdrawn lands relinquishes those lands, will be revised

to remove excessive and burdensome provisions and to make it conform to the Federal Land Policy and Management Act.

Originally Scheduled: April 1982
Legal Authority: 43 U.S.C. 1714
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: John Rumps 202-343-6486; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Part 2400** *Title:* **Land Classification**

Abstract: As a result of review, this rule is being revised to remove provisions repealed by the Federal Land Policy and Management Act of 1976, to institute a new classification procedure and to simplify and clarify outdated provisions.
Originally Scheduled: October 1981
Legal Authority: 43 U.S.C. 315, 682, 869, 1171, 1181, 1412-1418; 48 U.S.C. 364
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: John Mezes 202-343-8731; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Part 2520** *Title:* **Desert Land Entries**

Abstract: This rule, which provides the procedure for entry and reclamation of lands identified as desert lands, will be revised to remove excessive and burdensome provisions.
Originally Scheduled: April 1982
Legal Authority: 43 U.S.C. 321-323, 325, 327-329
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: John Mezes 202-343-8693; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Subpart 2561** *Title:* **Native Allotments**

Abstract: This rule will be amended to carry out a commitment made by the Secretary to incorporate Bureau of Land Management Manual provisions on Native allotments.
Originally Scheduled: January 1981
Legal Authority: 43 U.S.C. 1201, 711-713
Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Beaumont McClure 202-343-6511; Robert C. Bruce 202-343-8735
Timetable: Proposed rule was published August 6, 1980 (45 FR 30606).
A Notice withdrawing the proposed rule is scheduled to be published in October 1982.

CFR Citation: **43 CFR Subpart 2627** *Title:* **Alaska**

Abstract: This rule will be amended to provide a change in selection procedures for the State of Alaska as provided for in the amendments to the Alaska Statehood Act.
Originally Scheduled: January 1981
Legal Authority: 94 Stat. 2437
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Beaumont McClure 202-343-6511; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Part 2650** *Title:* **Alaska Native Selections**

Abstract: This rule will amend existing regulations, which authorize Alaska Native corporations to select more lands than they are entitled to receive actual conveyance for, to establish a formula for reducing the amount of excess lands selected and to provide the authority to reject excessive overselections if they are not voluntarily reduced by the Native corporations.
Originally Scheduled: April 1981
Legal Authority: 43 U.S.C. 1601 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Sue Wolf 202-343-6511; Robert C. Bruce 202-343-8735
Timetable: Proposed rule was published July 19, 1982 (47 FR 31368).

CFR Citation: **43 CFR Part 2710** *Title:* **Sales: Federal Land Policy and Management Act**

Abstract: This rule will be amended to delete the requirement for publication in the Federal Register of the document of conveyance after sale.
Originally Scheduled: October 1981
Legal Authority: 43 U.S.C. 1701, 1713
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Bill Krech 202-343-8693; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Part 2720** *Title:* **Conveyance of Federally-Owned Mineral Interests**

Abstract: This rule will be amended to make minor revisions to the existing regulations on conveyancing of Federally-owned mineral interests and to provide segregation of lands covered by an application.
Originally Scheduled: April 1981
Legal Authority: 43 U.S.C. 1719(b)
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: David Hemstreet 202-343-8731; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Parts 2740 and 2910** *Title:* **Recreation and Public Purposes Act: Leases**

Abstract: These rules will be amended to facilitate acquisition of public lands by States, State instrumentalities and subdivisions, including counties and municipalities, for recreational or public purposes. These amendments would not affect procedures as they relate to non-profit associations other than to require a nonrefundable application service fee.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 869 et seq., 1721

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Mezes 202-343-8731; Robert C. Bruce 202-343-8735

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule is scheduled to be published by October 1982.

CFR Citation: **43 CFR Part 2800** *Title:* **Rights-of-Way: Principles and Procedures**

Abstract: This rule will be amended to revise the schedule used in the cost reimbursement process for processing and monitoring right-of-way grants.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1746

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Leon Kabat 202-343-5441; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **43 CFR Part 2820** *Title:* **Roads and Highways**

Abstract: This rule will be rescinded in order to eliminate the requirement of the State governments to make application for a right-of-way grant for Federal-aid highway purposes directly to the Bureau after applying to the Federal Highway Administration for a determination that the right-of-way is necessary.

Originally Scheduled: January 1981

Legal Authority: 23 U.S.C. 107-317

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Leon Kabat 202-653-8842; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published May 10, 1982 (47 FR 20009).

Final rule is scheduled to be published by October 1982.

CFR Citation: **43 CFR Part 3040** *Title:* **Environment and Safety**

Abstract: This part, which contains the rules for geophysical exploration, will be amended to provide a procedure for the issuance and administration of geophysical exploration permits on Department of Defense administered lands.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 181 et seq., 351-359

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Rob Cervantes 202-343-7722; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by March 1983.

CFR Citation: **43 CFR Part 3100** *Title:* **Oil and Gas Leasing: Applications**

Abstract: This rule is being revised to eliminate the requirement that simultaneous oil and gas lease application filing fees be paid by guaranteed remittance and the mandatory use of pre-numbered assignment forms for the transfer of oil and gas leases. It also eliminates the requirement to submit qualification statements prior to lease acquisition (3102, 3103, 3106, 3112, 3132).

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 181 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles Weller 202-343-7722; Robert C. Bruce 202-343-8735

Timetable: An Interim rule with request for comments was published February 26, 1982 (47 FR 8544).

CFR Citation: **43 CFR Part 3130** *Title:* **Oil and Gas Leasing: Alaska**

Abstract: This rule will provide for the consolidation of leases in the National Petroleum Reserve - Alaska in order to provide more flexibility in the management of the oil and gas leasing program.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 96-514

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Marcia Rohn 202-343-7753; Robert C. Bruce 202-343-8735

Timetable: The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0108.

Proposed rule was published April 20, 1982 (47 FR 16807).

CFR Citation: **43 CFR Part 3141** *Title:* **Combined Hydrocarbon Leasing: Competitive Leasing in Special Tar Sand Areas**

Abstract: This rule will establish procedures for issuing combined hydrocarbon leases within designated Special Tar Sand Areas.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 97-78

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Monte Jordan 202-343-4636; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published June 14, 1982 (47 FR 25720).

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **43 CFR Subpart 3211** *Title:* **Bureau Motion, Land Previously Leased for Geothermal Resources**

Abstract: This rule will be amended to expedite leasing of lands with geothermal potential, and correct provisions that have prevented the Bureau from offering lands previously leased noncompetitively for geothermal resources.

Originally Scheduled: January 1980

Legal Authority: 30 U.S.C. 1001-1025

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Karl Duscher 202-3438537; R.O. Miller 202-343-8735

Timetable: Proposed rule was published November 26, 1979 (44 FR 67598).

CFR Citation: **43 CFR Part 3420** *Title:* **Competitive Leasing: Leonardite**

Abstract: This part, which contains the rules for competitive leasing of coal, will be amended to provide a method for leasing of leonardite, a form of oxidized coal not normally used for energy purposes.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 1272

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Monte Jordan 202-343-4636; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published in January 1983.

CFR Citation: **43 CFR Part 3500 and 43 CFR Part 23** *Title:* **Leasing of Minerals Other than Oil and Gas: General; Surface Exploration**

Abstract: As a result of review, 43 CFR Part 3500 is being revised to change definitions of terms, to change rentals, and to alter requirements for preference right lease applicants, as well as to simplify and clarify provisions. 43 CFR Part 23 is removed, because its provisions duplicate the provisions of the National Environmental Policy Act.

Originally Scheduled: January 1981

Legal Authority: 30 U.S.C. 181 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Reed Smith 202-343-8537; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published March 30, 1982 (47 FR 13472).

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0121.

CFR Citation: **43 CFR Part 3600** *Title:* **Mineral Materials Disposal: General**

Abstract: This rule, which provides the procedures for disposal of mineral materials on the public lands, will be totally revised to: simplify existing provisions; and revise and delete provisions not specified or required by statute which impair program management and limit the availability of mineral materials to the public.

Originally Scheduled: January 1980

Legal Authority: 30 U.S.C. 601, 602; 43 U.S.C. 1732

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Brenda Horton 202-343-8537; Robert C. Bruce 202-343-8735

Timetable: The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0103.

Proposed rule was published May 3, 1982 (47 FR 19066).

CFR Citation: **43 CFR Part 3630** *Title:* **Paleontology**

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Originally Scheduled: July 1980

Legal Authority: 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robert Sulenski 202-343-8537; R.O. Miller 202-343-8735

Timetable: Proposed rule was published August 17, 1982 (47 FR 35914).

CFR Citation: **43 CFR Part 3700** *Title:* **Multiple Use: Mining**

Abstract: This part, which contains the rules for multiple use mining, will be revised to eliminate burdensome, cumbersome and unnecessary provisions. This revision will be accomplished with a revision of 43 CFR Part 3800 and parts of the two regulations will be consolidated.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 22, 601 et seq.; 61 Stat. 681; 43 U.S.C. 2, 1732

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Eugene A. Carlat 202-343-8537; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **43 CFR Part 3800** *Title:* **Mining Claims Under the General Mining Laws**

Abstract: This part, which contains the rules for mining claims under the general mining laws, will be revised to eliminate burdensome, cumbersome and unnecessary provisions. This revision will be accomplished with a revision of 43 CFR Part 3700 and parts of the two regulations will be consolidated.

Originally Scheduled: October 1982
Legal Authority: 30 U.S.C. 22; 43 U.S.C. 2, 1740
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Eugene A. Carlat 202-343-8537; Robert C. Bruce 202-343-8735
Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **43 CFR Subpart 3833**
Title: **Recordation of Mining Claims and Filing Proof of Annual Assessment Work or Notice of Intention to Hold Mining Claims, Mill or Tunnel Sites**

Abstract: This rule will be revised to incorporate needed changes identified during operation of the recordation program.
Originally Scheduled: April 1981
Legal Authority: 43 U.S.C. 1744
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: George Schmidt 202-343-8537; Robert C. Bruce 202-343-8735
Timetable: Proposed rule was published May 4, 1982 (47 FR 19298).
The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0114.

CFR Citation: **43 CFR Part 4700** *Title:* **Wild Free-Roaming Horse and Burro Protection: Management and Control**

Abstract: This rule will be amended to eliminate the requirement for a veterinarian's statement of the cause of death when an adopted animal dies and to change the title application requirements for adopted animals by allowing adopters to submit certification of humane care from any qualified official such as a humane society official.
Originally Scheduled: April 1981
Legal Authority: 16 U.S.C. 1331-1340
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: Chris Erb 202-343-4773; Ted Hudson 202-343-8735

CFR Citation: **43 CFR Part 4700** *Title:* **Wild Free-Roaming Horse and Burro Protection: Payment for Adoption**

Abstract: This rule will be amended in order to provide for the establishment of a fee for the adoption of a wild free-roaming horse or burro. This fee would be established under the authority of Sec. 304 of the Federal Land Policy and Management Act of 1976 and is designed to recover part of the costs incurred by the United States in connection with adoption program activities.
Originally Scheduled: April 1982
Legal Authority: 16 U.S.C. 1331-1340; 43 U.S.C. 315-315r, 1701 et seq.
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.
Agency Contact: John S. Boyles 202-563-9125; Robert C. Bruce 202-343-8735
Timetable: Proposed rule was published July 26, 1982 (47 FR 32406).

CFR Citation: **43 CFR Subpart 5401**
Title: **Advertised Sales: General**

Abstract: This rule will be amended to remove the requirement that the authorized officer will furnish access to the sale area for all competitive sales of forest products.
Originally Scheduled: October 1982
Legal Authority: 43 U.S.C. 1181a; 30 U.S.C. 601 et seq.; 16 U.S.C. 615a
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Charles Frost 202-653-8864; R.O. Miller 202-343-8735
Timetable: Proposed rule is scheduled to be published by March 1983.

CFR Citation: **43 CFR Part 5510** *Title:* **Free Use of Timber**

Abstract: This rule, which provides the procedures for the free use of disposal of timber and other vegetative resources on O and C and public lands, will be revised to clarify and simplify provisions.
Originally Scheduled: April 1981
Legal Authority: 16 U.S.C. 604-607, 612; 30 U.S.C. 189; 43 U.S.C. 1701 et seq.
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Dave Estola 202-343-4009; R.O. Miller 202-343-8735

CFR Citation: **43 CFR Subpart 8300**
Title: **Recreation: General**

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.
Originally Scheduled: October 1981
Legal Authority: 43 U.S.C. 1701 et seq., 869, 1181a, 315, 4321 et seq; 16 U.S.C. 460l-461, 1131, 1271-1287, 1241, 670; 29 U.S.C. 794
Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.
Agency Contact: Wesley R. Henry 202-343-9353; Ted Hudson 202-343-8735

CFR Citation: **43 CFR Subpart 8372**
Title: **Use Authorizations**

Abstract: This rule will provide procedures allowing more timely filing of protests and appeals concerning decisions regarding special recreation permits.
Originally Scheduled: October 1981
Legal Authority: 43 U.S.C. 1201 et seq., 1701 et seq., 1181a; 16 U.S.C. 460-6a
Determination Under E.O. 12291: The determination as to whether this document is a major rule under Executive Order 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Robert Conquergood 202-343-9353; Ted Hudson 202-343-8735

CFR Citation: **43 CFR Part 8560** *Title:* **Management of Designated Wilderness Areas**

Abstract: This rule will provide procedures for the use of Congressionally designated wilderness areas in public lands.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1701 et seq.; 16 U.S.C. 1131

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Porter 202-343-6064; R.O. Miller 202-343-8735

CFR Citation: **43 CFR Part 9230** *Title:* **Unauthorized Use of Public Lands**

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands and to provide managers with additional authority to resolve existing violations.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Leroy Allen 202-653-8815; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Subpart 9239** *Title:* **Kinds of Trespass: Mineral**

Abstract: This rule will be amended to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Originally Scheduled: July 1980

Legal Authority: 30 U.S.C. 181 et seq.

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Carty 202-343-8537; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published March 11, 1980 (45 FR 15876).

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **43 CFR Subpart 2070** *Title:* **Designation of Areas and Lands**

Abstract: This subpart, which provides the procedures under which specific areas of public lands and other Federal lands under the jurisdiction of the Bureau of Land Management may be designated and identified, is being reviewed to determine if it is still needed.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1201 et seq., 1701 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Del Price 202-343-9353; Ted Hudson 202-343-8735

CFR Citation: **43 CFR Subpart 2812** *Title:* **Rights-of-Way Across O and C and Coos Bay Revested Lands**

Abstract: This rule, which provides the process for granting rights-of-way across the O and C and Coos Bay Revested Lands, is being reviewed to determine if it is still needed and if it needs revising.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 665, 956, 958

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Leon Kabat 202-343-5441; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Part 8360** *Title:* **Recreation Programs: Operations**

Abstract: This rule, which provides the procedures for the operation of recreation areas, is being reviewed to determine if it is still needed and if it needs revising.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1181(a)-(e), 1201, 1701 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Robert Conquergood 202-343-9353; Ted Hudson 202-343-8735

COMPLETED ACTIONS

CFR Citation: **43 CFR Group 3400** *Title:* **Coal Management**

Abstract: This rule will eliminate burdensome, outdated and unneeded provisions of the existing coal management regulations. The specific amendments to the existing regulations resulted from public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior, and from an extensive review of the coal management program by the Bureau of Land Management and Department of the Interior personnel.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 181 et seq., 351-359, 1201 et seq., 521-531; 43 U.S.C. 1701 et seq.; 42 U.S.C. 7101 et seq., 4321; 90 Stat. 2073-2075

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Walt Rewinski 202-343-6821; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published December 16, 1981 (46 FR 61390).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0073.

A final rule effecting 43 CFR 3422.2(C)(10), 3427.1, 3427.2, and 3427.4 was published March 3, 1982 (47 FR 9008).

Final rule was published July 30, 1982 (47 FR 33114).

CFR Citation: **43 CFR Subpart 3140** *Title:* **Conversion of Existing Oil and Gas Leases and Valid Mining Claims**

Abstract: This rule will provide the procedures that the Secretary of the Interior will use to convert existing oil and gas leases and valid mining claims in Special Tar Sand Areas to combined hydrocarbon leases.

Originally Scheduled: April 1982

Legal Authority: Combined Hydrocarbon Leasing Act of 1981, Pub.L. 97-78

Determination Under E.O. 12291: The Department of the Interior has determined that this document is a major rule under E.O. 12291.

Copies of the Preliminary Regulatory Impact Analysis were available from the Contacts after March 1, 1982. Copies of the Final Regulatory Impact Analysis were available from the Contacts after May 24, 1982.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Edward E. Coggs 202-343-6821; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published March 1, 1982 (47 FR 8734).

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0118.

Final rule was published May 24, 1982 (47 FR 22474).

CFR Citation: **43 CFR Part 4100** *Title:* **Grazing Administration; Exclusive of Alaska**

Abstract: This rule will amend the existing regulations for the administration of livestock grazing use on the public rangelands. The intent of this rule is to simplify and and improve the provisions for administration of grazing use, remove cumbersome procedures and eliminate needless, burdensome and counterproductive regulations.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 315, 315a-315r, 1701 et seq., 1181d

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ron Wenker 202-343-5678; R.O. Miller 202-343-8735

Timetable: Proposed rule was published November 13, 1981 (46 FR 56132).

A Notice was published January 11, 1982 which extended the comment period to February 11, 1982.

Final rule was published September 21, 1982 (47 FR 41702).

CFR Citation: **43 CFR Subpart 1813** *Title:* **Public Land Records**

Abstract: This rule will be revised to remove the requirement for notation to the records at the time of the filing of certain applications.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1201

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jeff Steele 202-343-8693; Robert C. Bruce 202-343-8735

Timetable: Final rule was published July 28, 1982 (47 FR 32129).

CFR Citation: **43 CFR Part 2800** *Title:* **Rights-of-Way: Principles and Procedures**

Abstract: This rule will be revised to further eliminate needless, burdensome and counterproductive provisions contained in the existing right-of-way procedures for grants made under the provisions of Title V of the Federal Land Policy and Management Act of 1976. This rule is the result of further study of the existing rules made in an effort to reduce the paperwork burden on the using public.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1761-1771

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Leon Kabat 202-343-5441; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published April 8, 1982 (47 FR 15284).

Final rule was published September 2, 1982 (47 FR 38804).

CFR Citation: **43 CFR Part 2880** *Title:* **Rights-of-Way Under the Mineral Leasing Act**

Abstract: This rule will be revised to further eliminate needless, burdensome and counterproductive provisions contained in the existing right-of-way procedures for grants issued under the Mineral Leasing Act of 1920, as amended.

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 185

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Leon Kabat 202-343-5441; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published April 8, 1982 (47 FR 15286).

Final rule was published September 2, 1982 (47 FR 38806).

CFR Citation: **43 CFR Part 3300** *Title:* **Outer Continental Shelf Minerals and Rights-of-Way Management: General**

Abstract: This rule will be amended to streamline existing provisions and to conform with Department of Energy regulations concerning work commitment and variable profit share bidding systems.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1331 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Samuels 202-343-5121; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published November 30, 1981 (46 FR 58264).

The information collection requirements contained in this rule were

approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0071.

Final rule was published June 16, 1982 (47 FR 25967).

CFR Citation: **43 CFR Parts 5440, 5450 and 5460** *Title:* **Sales of Forestry Products: General**

Abstract: This rule will initiate requirements that timber contract purchasers pay a portion of the contract price earlier in the contract period. These 'up front' payments, and a provision that purchasers who are in default on prior timber contracts are not eligible to bid on new contracts, will encourage all contractors to follow more responsible management practices, encourage purchasers to complete contract responsibilities in a more timely manner, and will take away some of the incentive for speculative bidding based on potential long-term gain.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1181a; 30 U.S.C. 601 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles Frost 202-653-8864; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published March 19, 1982 (47 FR 12078).

Final rule was published September 2, 1982 (47 FR 38695).

CFR Citation: **43 CFR Subpart 8351** *Title:* **Designated National Areas**

Abstract: This rule will be amended to prohibit, with certain exceptions, off-road vehicle use in National Scenic Trail corridor segments administered by the Bureau of Land Management.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1246

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Del Price 202-343-9353; Ted Hudson 202-343-8735

Timetable: Proposed rule was published October 19, 1981 (46 FR 51258).

Final rule was published May 26, 1982 (47 FR 23102).

[FR Doc. 82-27728 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-10-T

federal register

Thursday
October 28, 1982

Part XI

Department of Justice

Regulatory Agenda

DEPARTMENT OF JUSTICE

8 CFR Ch. I

28 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Legal Policy, Department of Justice.

ACTION: Regulatory Agenda.

SUMMARY: The Department of Justice is publishing its October 1982 regulatory agenda pursuant to Executive Order No. 12291, "Federal Regulation," 3 CFR 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. 601–612 (West 1982), and Office of Management and Budget Circular No. 82–16, July 22, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Snider, Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, NW., Washington, D.C. 20530 (202–633–3452).

SUPPLEMENTARY INFORMATION: The Department of Justice has not published a regulatory agenda since the effective date of Executive Order No. 12291, February 17, 1981. None of the Department's regulations proposed since then has met the criteria for "major regulations" under the Executive order, and, therefore, publication of an agenda has not been required. However, the Office of Management and Budget has recently exercised its discretion to expand the contents of agencies' agendas to include "nonroutine regulations." The Department has identified 11 projected rulemakings that meet the new criterion. The Department has no plans to review existing regulations within the next 11 months or to develop any "major" regulations or any regulations subject to the Regulatory Flexibility Act.

Department of Justice Regulatory Agenda

Regulations Under Development.

CIVIL RIGHTS DIVISION

Priority Regulations

Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds

Agency Contact: David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, 202 633–3861.

Small Entity: No.

CFR: 28 CFR 42, 29 CFR 1691 (New).

Legal Authority: 42 U.S.C. 2000d et seq. 20 U.S.C. 1681 *et seq.*, EO 12250.

Abstract: The Department of Justice has the responsibility of coordinating enforcement of the statutes listed under "Legal Authority" and other statutes prohibiting discrimination on the basis of race, color, religion, sex or national origin. This regulation will be issued jointly with the Equal Employment Opportunity Commission and was developed in consultation with the major funding agencies against whose recipients the nondiscrimination provisions are directed.

Timetable: NPRM, 04/17/81 46 FR 22395.

Final Action: November 1982.

Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs

Agency Contact: Ms. Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, 202 724–2222.

Small Entity: No.

CFR: 28 CFR 41, 28 CFR 42.401–.415.

Legal Authority: 42 U.S.C. 2000d et seq. 20 U.S.C. 1681 et seq., 29 U.S.C. 794, EO 12250.

Abstract: The Civil Rights Division is amending its coordination regulations for section 504 of the Rehabilitation Act of 1973 and title VI of the Civil Rights Act of 1964 to reflect the increased coordination responsibility vested in the Attorney General by Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws." This Executive order, which supersedes Executive Orders 11764 and 11914, assigns to the Attorney General the overall responsibility for coordinating the enforcement of the laws listed under "Legal Authority" and any other statutory provision of Federal law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

Timetable: NPRM, December 1982.

Coordination of Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs

Agency Contact: Ms. Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, 202 724–2222

Small Entity: No.

CFR: 28 CFR 39.

Legal Authority: 29 U.S.C. 794, EO 12250.

Abstract: The Civil Rights Division is drafting a coordination regulation for the implementation and enforcement of the 1978 amendment to section 504 of the Rehabilitation Act of 1973. The 1978 amendment expanded the nondiscrimination mandate of section 504, which prohibits discrimination on the basis of handicap, to programs and activities conducted by any Executive agency or the United States Postal Service.

Timetable: NPRM, February 1983.

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance

Agency Contact: David B. Marblestone, Attorney, Appellate Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, 202 633–4492

Small Entity: No.

CFR: 28 CFR Part 42, Subpart H (New).

Legal Authority: 42 U.S.C. 6103.

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended. The proposed rule was published for comment, modified, approved by the Office of Legal Counsel, Department of Justice and forwarded to the Secretary of the Department of Health and Human Services for approval on November 10, 1980.

Timetable: NPRM, 05/19/80, 45 FR 32710.

Final Action: Unknown.

Education Programs or Activities Receiving or Benefiting From Federal Financial Assistance—Implementation of Title IX of the Education Amendments of 1972, as Amended

Agency Contact: Ms. Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, 202 724–2222.

Small Entity: No.

CFR: 28 CFR 42.701-.771 (New).

Legal Authority: 20 USC 1681–83, 1685–86.

Abstract: This regulation will implement title IX of the Education Amendments of 1972, as amended, for nondiscrimination on the basis of sex in education and training programs receiving or benefiting from Federal financial assistance provided by the Department of Justice.

Timetable: NPRM, 06/17/80, 45 FR 41001–41012; Comment period 08/18/80, 45 FR 54770 extended.

Revised NPRM to be published.

IMMIGRATION AND NATURALIZATION SERVICE

Priority Regulations

Detention and Parole of Inadmissible Aliens

Agency Contact: Maurice C. Inman, Jr., General Counsel, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, 202 633–2895.

Small Entity: No.

CFR: 8 CFR 212.5; 8 CFR 235.3.

Legal Authority: 8 U.S.C. 1103, 1223, 1225.

Abstract: This interim rule, published pursuant to an order of the District Court for the Southern District of Florida, sets forth the Service's policy regarding the detention and parole of aliens who seek to enter the United States illegally. The Administration has determined that a large number of Haitian nationals and others are likely to attempt to enter the United States illegally unless there is in place a detention and parole regulation meeting the approval of the District Court. Such a large scale influx would clearly be contrary to the public interest. This rule insures that the parole of illegal aliens will be carefully and narrowly exercised to conform to statutory purposes and legislative intent.

Timetable: Interim Rule, 07/09/82, 47 FR 30044.

Final Action: September 1982.

Nonimmigrant Students and Schools Approved for Their Attendance

Agency Contact: Alice Strickler, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, 202 633–5014.

Small Entity: No.

CFR: 8 CFR 214.2 (f), 214.2(m), 214.3, 8 CFR 248.1, 248.3.

Legal Authority: 8 U.S.C. 1101, 1103, 1184, 1258.

Abstract: This rulemaking will eliminate certain burdensome and time-consuming paperwork and filing requirements for both the students and the Service, while ensuring that the students and the schools they are attending are bona fide. It also implements the provisions of the Immigration and Nationality Act Amendments of 1981 which created a new "M" nonimmigrant visa classification for vocational nonimmigrant students.

Timetable: NPRM, 06/07/82, 47 FR 24596.

Other Regulations:

Suspension of Deportation and Voluntary Departure; Bond Conditions; Voluntary Departure Conditions

Agency Contact: Michael J. Heilman, Assistant General Counsel, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, 202 633–2620.

Small Entity: No.

CFR: 8 CFR 3.1(b)(2), 8 CFR 103.6(a)(2)(ii), (a)(2)(iii), 8 CFR 244.1, 244.2, 244.3, 244.4, 244,5.

Legal Authority: 8 U.S.C. 1103, 1254.

Abstract: This rulemaking will significantly revise the authority of immigration judges and the Board of Immigration Appeals in regard to voluntary departure. Grants of vountary departure by an immigration judge or by the Board would be limited to no more than 30 days. In addition, when requiring a security bond under 8 CFR 103.6, a district director would no longer be required to obtain the prior approval of a regional commissioner in order to impose a condition of bond barring employment.

Timetable: NPRM, November 1982.

Imposition of Minimum Bond As Condition of Release

Agency Contact: Michael J. Heilman, Assistant General Counsel, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, 202 633–2620.

Small Entity: No.

CFR: 8 CFR 3.2(b)(7), 8 CFR 242.2

Legal Authority: 8 U.S.C. 1103, 1252, 1254.

Abstract: The proposed rule would impose a minimum $1,000 bond as a condition of release in bond and custody cases where an alien has been apprehended for immigration law violations. Release without bond would be authorized only for compelling interests of the government, and only by a district director of the Immigration and Naturalization Service. Neither an Immigration Judge nor the Board of Immigration Appeals would have authority to reduce bond to less than $1,000 or to release an alien without bond.

Timetable: NPRM, November 1982.

Uniform Minimum Admission Period for Admissible Visitors

Agency Contact: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, 202–633–3946.

Small Entity: No.

CFR: 8 CFR 214.2(b).

Legal Authority: 8 U.S.C. 1103, 1184.

Abstract: This rulemaking will provide that temporary visitors for pleasure in possession of nonimmigrant visas who are found admissible to the United States are admitted for a uniform minimum period of six months.

Timetable: NPRM, 05/11/82, 47 FR 20147.

Final Action: October 1982.

OFFICE OF LEGAL POLICY

Intergovernmental Review of Federal Programs

Agency Contact: Paul Colborn, Attorney-Advisor, Office of Legal Policy, Department of Justice, Washington, D.C. 20530, 202–633–3239.

Small Entity: No.

CFR: 28 CFR 30, 28 CFR 31.

Legal Authority: Executive Order 12372.

Abstract: Executive Order 12372 (issued July 14, 1982) established a new federal policy on consultation with state and local governments in the administration of federal financial assistance and direct federal development programs, to be implemented by all affected federal departments and agencies by the issuance of rules or regulations by April 30, 1983. The Office of Legal Policy is coordinating the Justice Department's implementation of the Executive Order. The following components of the Justice Department may issue new or amended rules or regulations concerning consultation with state and local governments in connection with direct development or financial assistance programs: Bureau of Prisons; Immigration and Naturalization Service; United States Marshals Service; National Institute of Corrections; Office of Juvenile Justice and Delinquency Prevention; Office of Justice Assistance, Research, and Statistics; Bureau of Justice Statistics; and National Institute of Justice. The alternatives for implementation of the Executive Order and the potential costs and benefits of such alternatives are to be determined.

Timetable: NPRM, January 15, 1983.

Final Action: April 30, 1983.

Dated: September 22, 1982.

Jonathan C. Rose,

Assistant Attorney General, Office of Legal Policy.

[FR Doc. 82-28102 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XII

Department of Labor

Office of the Secretary

Semiannual Agenda of Regulations

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Chs. 29 and 60

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual Agenda of Regulations selected for review or development.

SUMMARY: This document sets forth the Department's Semiannual Agenda of Regulations which have been selected for review or development during the coming one year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between October 1982 and October 1983.

FOR FURTHER INFORMATION CONTACT: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, N.W., Room N2428, Washington, D.C. 20210, 202–523–8201.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to have under active consideration for promulgation, proposal or review during the coming one year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis, to gauge the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities". If a proposed regulation will not have a "significant economic impact on a substantial number of small entities", the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining in this publication its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The Labor Department's agenda is divided into two major sections. The first section of the agenda is in the index of priority regulations. A regulation is included in the index if it has been targeted by the President's Task Force on Regulatory Relief, if it is a "major" regulation, or if it is a regulation of special importance to the Labor Department.

Regulations included in the index are also identified by title and Code of Federal Regulations citation, are grouped by agency, and are sub-grouped by their rulemaking category. The rulemaking categories consist of (1) current rulemakings, i.e., regulations which have been published as advanced or proposed rules or which are expected to be so published in the near future; (2) regulations under review, i.e., existing regulations that have been scheduled by the Labor Department for review; (3) completed actions, i.e., regulations for which rulemaking or review has become final since publication of the last agenda, or regulations which the Department has withdrawn from rulemaking or review consideration since publication of the last agenda.

The second section of the agenda is the discusion section. In this section, all of the Department's regulations are listed that are under review, or development, or that are completed actions. Such regulations are listed by agency, and grouped in accordance with the three categories discussed in the precdeding paragraph. Each entry includes a brief discussion of why the regulation is being developed or reviewed, or, if applicable, when action on the regulation was completed. Each entry also indicates if a Regulatory Impact Analysis is required for the regulation under Executive Order 12291, and if a Regulatory Flexibility Analysis is required for the regulation under the Regulatory Flexibility Act. If the need for a Regulatory Impact Analysis or Regulatory Flexibility Analysis is still to be determined by the Department, we have so indicated in the discussion section using the initials "TBD". Priority regulations, listed in the index, are identified in this section with an asterisk (*).

Each entry also provides the name, address and telephone number of a knowledgeable agency official who may be contacted by any person who has an interest in the regulation.

The regulatory reform process, of which the instant agenda is a part, continues to be an extremely valuable aid in the developement of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental Officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in April 1982.

Priorities

EMPLOYMENT STANDARDS ADMINISTRATION

Current Rulemakings

1. Club Membership, ESA/OFCCP–41 CFR 60–1.11.

2. Government Contractors; Affirmative Action Requirements, ESA/OFCCP–41 CFR Pts. 60–1, 2, 4, 20, 30, 50, 60, 250, 741.

3. Labor Standards Provisions, Davis Bacon and Related Acts, ESA/W-H–29 CFR Pts 1, 3, 5.

4. FLSA: Full-Time Students Employed at Subminimum Wages: Certification Period, ESA/W-H–29 CFR 519.

5. FLSA: Employment of Minors Between 14 and 16 Years of Age, ESA/W-H–29 CFR Pt. 570, Subpt C.

6. Federal Service Contracts: Appeals Board (SCA), ESA/W-H-SCA–29 CFR Pt 8.

7. Federal Service Contracts: Labor Standards (SCA), ESA/W-H-SCA–29 CFR Pt 4.

8. FLSA: Exemptions for Executive and Profesional Employees, ESA/W-H–29 CFR Pt 541.

Reviews of Existing Regulations

9. FLSA: Hazardous Occupations Order No. 11: Occupations involved in the Operation of Bakery Machines, ESA/W-H-29 CFR 570.62.

10. FLSA: Hazardous Occupation Order No. 10: Occupations involving Slaughtering, Meat Packing, or Processing, or Rendering, ESA/W-H-29 CFR 570.61.

11. FLSA: Hazardous Ocupations Order No. 2: Motor Vehicle Driver and Outside Helper, ESA/W-H-29 CFR 570.52.

12. FLSA: Employment of Minors: Certificates of Age, ESA/W-H-29 CFR 570.1-.27.

EMPLOYMENT AND TRAINING ADMINISTRATION

Current Rulemakings

1. Labor Certification: Adverse Effect Wage Rate Methodology, ETA/Immigration—20 CFR 655.207.

2. Airline Deregulation: Employee Benefit Program, ETA/UnemplProg—20 CFR Pt 638.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

Current Rulemakings

1. Airline Deregulation: First Right of Hire, LMSA/Employee Prot—29 CFR Pt 220.

2. Supplemental Pay, LMSA/ERISA—29 CFR Pt 2510.

3. Deferral of the Due Date of the Updated Summary Plan Description, LMSA/ERISA—29 CFR 2520.104 b.2.

4. Alternate Format of the Updated Summary Plan Description, LMSA/ERISA—29 CFR 2520.104 b.2.

5. Definition of Plan Assets and Establishment of Trust (remaining provisions), LMSA/ERISA/DPA-ET—29 CFR Pt 2550.

6. Administration of Labor Protection Provisions Affecting Mass Transit Employees under 13(c) of the Urban Mass Transportation Act, LMSA/—29 CFR 215.

Completed Actions

7. Definition of Plan Assets and Establishment of Trust (housing part), LMSA/ERISA/DPA-ET—29 CFR Pt 2550.

MINE SAFETY AND HEALTH ADMINISTRATION

Current Rulemakings

1. Review of Metal and Nonmetal Standards, MSHA/—30 CFR Pts 55, 56 and 57.

2. Review of Safety and Health Standards Applicable to Coal Mines, MSHA/—30 CFR Pts 70, 71, 75 and 77.

Reviews of Existing Regulations

3. Alternate Program for Equipment Approvals MSHA/—30 CFR Pt 37

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Current Rulemakings

1. Carcinogen Policy, OSHA/Health—29 CFR Pt 1990.

2. Cotton Dust, OSHA/Health—29 CFR 1910.1043.

3. Ethylene Oxide (EtO), OSHA/Health—29 CFR 1910.1000, Table Z-1.

4. Respiratory Protection, OSHA/Health—29 CFR 1910.134, etc.

5. Ethylene Dibromide (EDB), OSHA/Health—29 CFR 1910.1000, Table Z-2.

6. Labeling: Hazard Communication, OSHA/Health—29 CFR 1910.1200.

7. Noise—Hearing Conservation Amendment, OSHA/Health—29 CFR 1910.95(e)-(s).

8. Lead—Reconsideration of Whole Standard, OSHA/Health—29 CFR 1910.1025.

9. Marine Terminals, OSHA/Safety—29 CFR Pt 1918a.

10. Walking/Working Surfaces, OSHA/Safety—29 CFR Pt 1910—Subpt D.

11. Grain Handling Facilities, OSHA/Safety—29 CFR Pt 1910, Subpt H (new section).

12. Commercial Diving Operations: Whole Standard, OSHA/Safety/Com. D—29 CFR Pt 1910—Subpt T.

13. Commercial Diving Operations: Exemptions, OSHA/Safety/Com.D—29 CFR 1910.401(a)(2)(iv)—Subpt T.

Reviews of Existing Regulations

14. Asbestos, OSHA/Health—29 CFR 1910.1001.

15. Engineering Controls vs Respirators; Generic Question, OSHA/Health—29 CFR Part 1910.

16. Noise—Review of the Standard as a Whole (PEL and Methods of Compliance), OSHA/Health—29 CFR 1910.95.

17. Hazardous Materials, OSHA/Safety—29 CFR Pt 1910, Subpt H.

18. Electrical Safety—Related Work Practices, OSHA/Safety—29 CFR Pt 1910—Subpt S (new section).

19. Oil and Gas Well Drilling and Servicing, OSHA/Safety—29 CFR Pt 1910.

20. Electrical Standards—Construction, OSHA/Safety—29 CFR Pt 1926—Subpt K.

Discussion

Office of the Secretary

Current Rulemakings

1. Title: Equal Access to Justice Act, Rules Governing Administration—29 CFR Pt 16—(OSECY/)

Abstract/Description: The Act requires the payment of fees and expenses to eligible parties who prevail in an adversarial proceedings against any Federal agency. The rules describe the parties eligible for awards, the proceedings that are covered, how to apply for awards, and the standards under which awards will be granted.

Legal Authority: 5 U.S.C. 504.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: An interim final rule was published on 12/29/81 (46 FR 63020) with comments due by 03/01/82. An earlier interim final rule was published on 10/09/81 (46 FR 50352) but was withdrawn on 10/13/81 (46 FR 50376) in order to reconsider the coverage provisions. It is expected that a final rule with response to comments on the interim final rule will be published by 01/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Sofia P. Petters; Rm N2428, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8188.

1a. Title: Intergovernmental Review of Federal Programs—29 CFR (new section)—(OSECY/)

Abstract/Description: Executive Order 12372 requires Federal agencies to provide opportunities for consultation by elected officials of those State and local governments that would provide the non-Federal funds for, or that would be directly affected by, proposed Federal financial assistance or direct Federal development. The proposed rules will describe the processes for formulating, evaluating, and reviewing proposed Federal financial assistance and direct Federal development in consultation with State and local elected officials pursuant to the Executive Order.

Legal Authority: E.O. 12372.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the notice of proposed rule-making will be published by 01/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Donald E. Shasteen; Rm S1325 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-6113.

Completed Actions

2. Title: Procedures for Subpoenas Served On DOL Employees—29 CFR 2.20-2.24, Subpt C—(OSECY/)

Abstract/Description: This regulation prescribes a single policy regarding subpoenas served on current and former DOL employees. The purpose of the regulation is to insure that the Department responds in a consistent manner to such subpoenas.

Legal Authority: 5 U.S.C. 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/23/81 (46 FR 7392) with comments due by 03/24/81. An interim final rule was published on October 6, 1981 (46 FR 49542) with comments due by November 5, 1981. A final rule was published on 08/13/82 (47 FR 35184) and became effective on 08/13/82. This notice announces that no comments were received by 11/05/81 concerning the

Department's revocation of 20 CFR 684.95(d) and 29 CFR 2.4 which set forth procedures for responding to subpoenas by employees of BLS and ETA. Accordingly the revocation is affirmed. This item is therefore removed from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Sofia Petters; Rm N2428, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-8188.

EMPLOYMENT STANDARDS ADMINISTRATION

Current Rulemakings

1. Title: Club Membership*—41 CFR 60-1.11—(ESA/OFCCP)

Abstract/Description: These provisions would have made it a violation for federal contractors to pay membership fees or other expenses for employees to join an organization which limits membership on the basis of race, color, religion, sex or national origin. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: E.O. 11246, as amended.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: This regulation was proposed on 01/22/80 (45 FR 4954) and a final rule published on 01/16/81 (46 FR 3892). In response to the 01/81 Presidential memorandum, the effective date was deferred. On 03/27/81 (46 FR 19004), the Department proposed withdrawal of the regulation, invited public comments on the proposed withdrawal until 04/27/81, and further suspended the effective date of the regulation. Further action on the proposed withdrawal is pending completion of additional study of the issues involved.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James W. Cisco; Rm C3324, FPBldg; 200 Constitution Ave., NW, Washington, DC 20210; (202) 523-9426.

2. Title: Government Contractors; Affirmative Action Requirements *—41 CFR Pts 60-1, 2, 4, 20, 30, 50, 60, 250, 741—(ESA/OFCCP)

Abstract/Description: The CFR citation for this regulation is 41 CFR Pts 60-1, 60-2, 60-4, 60-20, 60-30, 60-50, 60-60, 60-250, 60-741. These provisions contain OFCCP's rules covering non-discrimination and affirmative action obligations of covered contractors under E.O. 11246, the Vietnam Era Veterans Readjustment Act, and the Rehabilitation Act of 1973. The rules would be revised to make them more cost effective, reduce paperwork burdens, and better effectuate the goals of the program.

Legal Authority: E.O. 11246, as amended; 38 U.S.C. 2012, 29 U.S.C. 793.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: Proposed changes to the regulations were published in the Federal Register on 12/28/79 and 02/22/80, and a final rule on these issues was published on 12/30/80 (45 FR 86215). The rule was stayed, and reviewed in accordance with the President's Executive Order 12291 of 01/29/81. An ANPRM was published on 07/14/81 (46 FR 36213) and supplemented on 08/21/81 (46 FR 42490) to elicit comments on several issues pertaining to the regulation. A notice of proposed rulemaking was published on 08/25/81 (46 FR 42968) with comments due by 10/26/81. The proposal suspended the effective date of the 12/30/81 regulation, and proposed revision of that regulation.

Comments relating to the July and August 1981 ANPRM have been evaluated. A separate proposal on the ANPRM issues and several other related issues was published on 04/23/82 (47 FR 17770) with a 30 day comment period. Currently under consideration are various alternative approaches to resolving a number of issues raised or not addressed by the proposals of 08/81 and 04/82. Further action in the form of proposed rulemaking is pending the completion of this review. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: James W. Cisco; Rm C3324 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9426.

Title: Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers—41 CFR Pts 60-1, 60-250, 60-741—(ESA/OFCCP)

Abstract/Description: This proposal would make the definition section of these regulations consistent with 1978 amendments to the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act, and conform these rules to changes in DOL's regulations implementing § 504 of the Rehabilitation Act.

Legal Authority: 29 U.S.C. 793; Pub. L. 93-112 Sec 503.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 12/30/80 (45 FR 86205) with comments due by 03/02/81. Those provisions reflecting statutory changes have been incorporated into the 08/25/81 "main" OFCCP proposal (46 FR 42968). The proposal is currently under review, and further action thereon is pending completion of this review.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: James W. Cisco; Rm C3324 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9426.

4. Title: Black Lung: Obligations of Lessors for Claims for Benefits—20 CFR 725.491(b)(2)—(ESA/OWCP)

Abstract/Description: The intent of this proposal is to make explicit the Department's policy that a lessor of a coal mine, who has never actually operated such a mine, will not be held liable for the payment of benefits for black lung contracted in the course of employment in that mine and, therefore, need not insure against that possibility

Legal Authority: 30 U.S.C. 901, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 01/27/81 (46 FR 8570) with comments due by 03/30/81. It is expected that the final rule will be published by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7503.

5. Title: Black Lung: Processing Discrimination Complaints Under Section 428—20 CFR Pt 730—(ESA/OWCP)

Abstract/Description: The rule would specify the procedures and institutional responsibilities for ESA and the Mine Safety and Health Administration in the filing, investigation and adjudication of complaints based on alleged discrimination against persons believed to have black lung disease. It would also provide for the appeal of such adjudications.

Legal Authority: 30 U.S.C. 901, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/27/81 (46 FR 88521) with comments due by 03/30/81. It is expected that the final rule will be published by 03/30/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7503.

6. Title: Black Lung: Eligibility Criteria—20 CFR Pts 718 and 725—(ESA/OWCP)

Abstract/Description: Regulations are needed to implement Pub. L. 97-119 which eliminates certain presumptions previously applicable to claims for Black Lung benefits, changes certain evidentiary rules applicable to such claims, transfers liability for the payment of certain claims, changes the rate of interest to be charged upon reimbursements to the Trust Fund from mine operators and makes other changes in the prior version of the Black Lung Benefits Act.

Legal Authority: 30 U.S.C. 901, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 05/25/82 (47 FR 22674) with comments due by 06/24/82. It is expected that the final rule will be published by 10/29/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7503.

7. Title: Federal Service Contracts: Appeals Board (SCA)*—29 CFR Pt 8-(ESA/W-H-SCA)

Abstract/Description: The proposed regulation describes procedures relevant to appeals under the Service Contract Act for a new Board of Service Contract Appeals. The existing regulation is related to 29 CFR Pt 4, which has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 41 U.S.C. 353, 354; 5 U.S.C. 301; Reorg. Plan No. 14 of 1950, U.S.C. Appendix; 40 U.S.C. 327-332.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/ Status: A notice of proposed rulemaking was published on 08/14/81 (46 FR 41438) with comments due by 10/13/81. (A proposal had previously been published 04/22/80 (45 FR 27410).) On 01/19/81 a notice withdrawing Part 8 was published (46 FR 4951) Because 29 CFR Part 6, containing a new Subpart F (published 01/16/81; 46 FR 4398), provided for appeals to the Secretary on SCA matters instead of a Board. After reconsideration the Department decided to again propose a new Part 8 providing appeal to a Board of Service Contract Appeals rather than to the Secretary. It is expected that the final rule will be published by 01/15/83.

E.O. #12291: A regulatory Impact Analysis is required: No.

Agency Contact: Gail Coleman; Rm N2716, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7626.

8. Title: Labor Standards Provisions, Davis-Bacon and Related Acts*—29 CFR Pts 1, 3, 5—(ESA/W-H)

Abstract/Description: These provisions contain regulations governing the issuance of prevailing wage determinations and the administration and enforcement of labor standards required to be included in federally-funded or assisted construction contracts under the Davis-Bacon and Related Acts, and other contracts subject to the Contract Work Hours and Safety Standards Act. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 40 U.S.C. 276a-276a-7; 40 U.S.C. 276c; 40 U.S.C. 327-332; 29 U.S.C. 259; Reorg. Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A notice of proposed rulemaking was published on 08/14/81 (46 FR 41444) with comments due by 10/13/81. This action was as a result of the Administration's reexamination of the rules previously published on 01/16/81 (46 FR 4306, 4380) and stayed pending final publication of this rule. A final rule was published on 05/28/82 (47 FR 23644-79) and on 06/04/82 (47 FR 24296-7), two correction documents were published making minor changes to the 05/28/82, 29 CFR Part 5, final rule. On 07/26/82 (47 FR 32070), however, a notice was published deferring the effective date of these regulations until further notice in order to comply with a preliminary injunction issued by the U.S. District Court for the District of Columbia on 07/22/82. No further action is contemplated pending final court action.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dorothy P. Come; Rm S3502, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8333.

9. Title: FLSA: Full-Time Students Employed at Subminimum Wages: Certification Period*—29 CFR Pt 519-(ESA/W-H)

Abstract/Description: This regulation governs the issuance of certificates authorizing the employment of full time students at subminimum wages. Under this proposal the regulation would be revised to permit the issuance of certificates authorizing employment of full time students at subminimum wages for periods longer than the current one year duration. By eliminating unnecessary annual certifications, this change would free significant staff capacity within Wage/Hour for more important work, including workplace inspection and reduce a paperwork burden upon employers. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 214.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 07/16/82 (47 FR 31010) with comments due by 08/16/82. On 08/06/82 (47 FR 34166) the comment period was extended to 01/13/83. At the end of the comment period, the Wage and Hour Division plans to publish a new proposed revision which will supercede the 07/16/82 proposal. It is expected that the new proposal will be published by 03/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: James L. Valin; Rm S3502, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523-8353.

10. Title: FLSA: Employment of Minors Between 14 and 16 Years of Age*—29 CFR Pt. 570, Subpt C—(ESA/W-H)

Abstract/Description: This regulation sets forth the occupations and periods and consitions for the employment of minors 14 and 15 years of age. A number of changes are being considered which would update the provisions of this regulation which have not been changed since 1938. As proposed, the regulation would (1) expand permissible hours of work, (2) tighten employment restrictions in certain occupations such as those involving work near open flames, and (3) remove employment restrictions where no hazard is deemed to exist. In general the proposals would provide a balanced approach to nationalizing the regulations in light of current employment conditions. The regulation has been targets for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 203.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 07/16/82 (47 FR 31254) with comments

due by 08/16/82. On 08/06/82 (47 FR 34166) the comment period was extended to 01/13/83. At the end of the comment period, the Wage and Hour Division plans to publish a new proposed revision which will supersede the 07/16/82 proposal.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: Gordon Claucherty; Rm S3030, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523-7478.

11. Title: Federal Service Contracts: Labor Standards (SCA)*—29 CFR Pt 4—(ESA/W-H-SCA)

Abstract/Description: These provisions contain regulations and interpretations governing the administration of the Service Contract Act. The new revision would codify the Department's policies for administering the Act and improve the cost-effectiveness of the regulations, while ensuring consistency with statutory objectives. The existing regulation has been targeted for review by the President's Task force on Regualtory Relief.

Legal Authority: 41 U.S.C. 351, et seq.; 41 U.S.C 38 & 39; 5 U.S.C. 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: As a result of DOL's reexamination of the rule previously published on 01/16/81 and 01/19/81 (46 FR 4320 and 46 FR 4886) which had been stayed pending final rulemaking, a notice of proposed rulemaking was published on 08/14/81 (46 FR 41380) with comments due by 10/13/81. By notice published on 10/13/81 (46 FR 50397), the time to submit comments was extended to 12/01/81. On 10/20/81 (46 FR 51405), a notice of hearing, scheduled for 11/19-20/81 at Merritt Island, Florida, was published in order to allow interested parties an opportunity to present their views with regard to the proposed regulations. It is expected that the final rule will be published by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dorothy P. Come; Rm S3502, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523-8333.

12. Title: Rules of Practice for administrative Proceedings: Davis-Bacon, Service Contract Acts—29 CFR Pt 6—(ESA/W-H)

Abstract/Description: The revisions to this part are intended to provide administrative hearings in enforcement cases and substantial interest proceedings involving the Davis-Bacon Act, the Service Contract Act and the Contract Work Hours and Safety Standards Act, and substantial variance and arms-length hearings under the Service Contract Act. These revisions are designed to make such proceedings as uniform as possible.

Legal Authority: 40 U.S.C. 276a-276a-7; 40 U.S.C. 327-332; 41 U.S.C. 353 & 354; 40 U.S.C. 276c; Reorg. Plan 14 of 1,950, 5 U.S.C. Appendix

Effects on Small Business: A Regulatory Flexibilitiy Analysis is required: No.

Timetable/Status: A proposal was published on 04/22/80. Final regulations were published on 01/16/81 (46 FR 4398), to take effect on 02/17/81. However, in response to the 01/81 Presidential memorandum, the Department deferred the effective date of these regulations until 08/14/81. On 08/14/81 (46 FR 41428), a proposed regulation was published with comments due by 10/13/81. In the same publication, the effective date of 01/16/81 rule was deferred until action was taken on the proposal of 08/14/81. It is expected that the final rule will be published by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Gail Coleman; Rm N2716, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523-7620.

13. Title: Longshoreman's Act: Regional Offices—20 CFR 702.101—(ESA/OWCP)

Abstract/Description: The low volume of cases arising under the Longshore Act and its extensions do not justify maintaining separate offices for the disposition of those cases in the Denver and Kansas City regions. This rule would therefore eliminate those offices and provide a technical amendment to 20 CFR 702.101 redefining the jurisdcition of the four affected district offices.

Legal Authority: 33 U.S.C. 939(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that a final rule will be published by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Neil Montone; Rm C4315, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8572.

14. Title: FECA Medical Fee Regulation—20 CFR Pt 10.400 et seq.—(ESA/OWCP)

Abstract/Description: 5 U.S.C. 8103(a) of the Federal Employees' Compensation Act provides that the United States shall furnish a broad range of medical services and supplies to employees of the United States injured in the performance of duty. ESA proposes to exercise its statutory authority to define the "reasonableness" of medical service costs and thereby monitor, and possibly reduce, these costs by imposing a schedule of allowable fees to be paid for services under this law.

Legal Authority: 5 U.S.C. 8101, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the notice of proposed rule-making will be published by 10/15/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Thomas M. Markey; Rm S3229, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7552.

15. Title: FLSA: Exemptions for Executive and Professional Employees*—29 CFR Pt 541—(ESA/W-H)

Abstract/Description: These regulations set forth the criteria used in the determination of the application of the FLSA exemption for "executive", "administrative", "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 213(a)(1).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 12206) and was scheduled to become effective on 02/13/81. On 02/12/81 (46 FR 11972) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81. It is expected that a new proposal will be published by 01/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: James L. Valin; Rm S3502, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8353.

16. Title: FLSA: Employment of Minors: Certificates of Age*—29 CFR 570.1-.27—(ESA/W-H)

Abstract/Description: This regulation now provides for acceptance of State age or employment certificates as evidence of age for minor employees for purposes of the FLSA. A number of States no longer issue such certificates. As an alternative to having the Wage

and Hour Division take on the function of issuing such certificates, with the resultant expenditure of substantial clerical resources, this proposal would designate documents that would be accepted as proof of age in those States.

Legal Authority: 29 U.S.C. 203, 211, 212.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposal will be published by 03/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Gordon Claucherty; Rm S3030, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7478.

Review of Existing Regulations

17. Title: Black Lung Benefits. Requirements for Coal Mine Operators Insurance—20 CFR Pt 726—(ESA/OWCP)

Abstract/Description: These rules would govern the manner by which a coal mine operator fulfills its insurance obligations under the Black Lung Benefits Act, either by qualification as a self-insurer or by contracting with a commercial insurance company. Revision of Part 726 is necessary as a result of enactment of amendments to the Act in 1978 and 1981.

Legal Authority: 30 U.S.C. 901, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the review will be completed by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: TBD

Agency Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7503.

18. Title: Criteria: State Workers' Compensation Laws: Pneumoconiosis—20 CFR Pt 722—(ESA/OWCP)

Abstract/Description: These rules would establish procedures and standards to be applied in determining whether a State workers' compensation law provides adequate coverage for death or disability due to pneumoconiosis.

Legal Authority: 30 U.S.C. 931

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the review will be completed by 03/30/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7503.

19. Title: Longshoremen's Act: second injury relief; annual assessments—20 CFR Pt 702—(ESA/OWCP)

Abstract/Description: Revisions and additions are being considered to reflect and codify the Department's policies and procedures for handling second injury relief cases and to modify the procedures pertaining to the annual assessment of insurance carriers and self-insurers.

Legal Authority: 33 U.S.C. 901, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/27/81 (46 FR 8890) with comments due by 03/30/81. Action is now being deferred pending possible Congressional action on proposed amendments to the Act. It is expected that the review will be completed by 12/30/82.

E.O. #12291: A regulatory Imapct Analysis is rquired: No.

Agency Contact: Neil Montone; Rm C4315, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–8572.

20. Title: Longshoremen's Act: Self Insurers; Rehabilitation Services—20 CFR Pts 702, 703—(ESA/OWCP)

Abstract/Description: Rules are being considered that would establish standards to permit employer groups to qualify as self-insurers under 20 CFR Part 703, clarify procedures related to the provision of rehabilitation services, and make other necessary changes.

Legal Authority: 33 U.S.C. 901, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: Action is being deferred on a proposal pending possible Congressional action on proposed amendments to the Act. It is expected that the review will be completed by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Neil Montone; Rm C4315, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–8572.

21. Title: FLSA: Hazardous Occupations Order No. 11: Occupations involved in the Operation of Bakery Machines*—29 CFR 570.62—(ESA/W–H)

Abstract/Description: ESA is conducting an in-depth review of Hazardous Occupations Order No. 11 which prohibits the employment of minors 16 and 17 years of age in certain occupations involved in the operation of power-driven bakery machines. This review is being conducted to determine the changes necessary to reflect technological advancement and to clarify the application of existing prohibitions.

Legal Authority: 29 U.S.C. 203.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 07/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Gordon Claucherty; Rm S3030, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7478.

22. Title: FLSA: Hazardous Occupations Order No. 10: Occupations involving Slaughtering, Meat Packing, or Processing, or Rendering*—29 CFR 570.61—(ESA/W–H)

Abstract/Description: This Order prohibits the employment of minors 16 and 17 years of age in occupations involving slaughtering, meat packing or processing, or rendering. A review of this order is needed to calrify its scope and to update it in light of various technological changes which have occurred in the affected occupations since it was adopted. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 203.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 07/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Gordon Claucherty; Rm S3030, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7478.

23. Title: FLSA: record-keeping requirements—29 CFR Pt 516—(ESA/W–H)

Abstract/Description: Revision of this regulation is being considered to reflect the repeal or modification of certain FLSA exemptions by the 1974 and 1977 amendments to the Act.

Legal Authority: 29 U.S.C. 211(c).

Effects on Small business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 03/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James L. Valin; Rm S3502, FPBldg; 200 Constitution Ave.,

NW; Washington, DC 20210; (202) 523–8353.

24. Title: FLSA: Hazardous Occupations Order No. 2: Motor Vehicle Driver and Outside Helper*—29 CFR 570.52—(ESA/W-H)

Abstract/Description: Hazardous Occupations Order No. 2 prohibits the employment of minors 16 and 17 years of age in certain occupations involving motor vehicle driving and helpers outside the cab of a vehicle transporting goods. The Order is being reviewed for possible revision.

Legal Authority: 29 U.S.C. 203.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the review will be completed by 07/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Gordon Claucherty; Rm S3030, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7478.

Completed Actions

25. Title: Affirmative Action Obligations; Veterans Quarterly Reporting Requirements; Suspension—Stay—41 CFR 60-250.4(d)—(ESA/OFCCP)

Abstract/Description: The rule suspends the effectiveness of 41 CFR 60-250.4(d) requiring government contractors to file quarterly reports of hiring actions, including veterans hired, under Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended. The Department has proposed to delete this requirement in its proposed amendment to 41 CFR Part 60–250, published December 30, 1980. (See 45 FR 86205)

Legal Authority: 38 U.S.C. 2012; Pub. L. 92–540.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A final rule suspending 41 CFR 60-250.4(d) was published on 01/29/82 (47 FR 4258) and became effective on 01/29/82. This item is therefore removed from the agenda as a separate item.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: James W. Cisco; Rm C3324 FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–9426.

26. Title: Labor Standards for Pilots Under Federally Financed Contracts—29 CFR 5.15—(ESA/W-H)

Abstract/Description: This rule would allow a variation from the Contract Work Hours and Safety Standards Act overtime pay requirements with respect to certain pilots of aircraft employed by a contractor on government contracts for fire fighting and related services.

Legal Authority: 40 U.S.C. 327–332; Reorg. Plan No. 14 of 1950; 5 U.S.C. Appendix; 5 U.S.C. 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/08/82 (47 FR 966) with comments due by 02/08/82. A final rule was published on 07/02/82 (47 FR 28916) and became effective on 08/02/82. This item is therefore removed from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: Dorothy P. Come; Rm S3502 FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8333.

27. Title: FLSA: Labor Standards on Projects Assisted by Grants From the National Endowments for the Arts and Humanities—29 CFR Pt 505—(ESA/W-H)

Abstract/Description: These regulations would set forth procedures to carry out the provisions of the 1976 amendments to the National Foundation on the Arts and Humanities Act of 1965 relating to labor standards requirements on projects or productions assisted by grants from the National Endowment for the Arts, and the National Endowment for the Humanities.

Legal Authority: 20 U.S.C. 954(i), 956(g).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A notice of proposed rulemaking was published on 12/18/80 (45 FR 83914) with comments due by 05/22/81. The Agency has decided not to go forward with this proposal.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: James L. Valin; Rm S3508 FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7043.

EMPLOYMENT AND TRAINING ADMINISTRATION

Current Rulemakings

1. Title: Governor's Grants and Youth Programs—20 CFR Pts 675, 676, 677, 680—(ETA/CETA)

Abstract/Description: These regulations implement technical amendments to CETA that resulted from passage of the Omnibus Budget Reconciliation Act of 1981. The amendments reduce the percentage of funds allocated to the Governor's Grants for a 20 percent transferability of funds between the Title IV A youth program and Title IV C Summer youth program.

Legal Authority: Pub. L. 97–35; 29 U.S.C. 801, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 09/04/81 (46 FR 44730) with comments due by 11/01/81. It is expected that the final rule will be published by 12/03/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Robert Colombo; Rm 6402, PHBldg.; 601 D St, NW., Washington, D.C. 20213; (202) 376–6093.

2. Title: Labor Certification: Canadian Railroad Workers—20 CFR 656.10—(ETA/Immigration)

Abstract/Description: This rule would add to the DOL list of precertified occupations, Canadian citizens who work for international railroads and who qualify for employment in the U.S. because of seniority rights under a collective bargaining agreement between the employer and an international labor union.

Legal Authority: 8 U.S.C. 1182 (a)(14).

Effects on Small Business: A Regulatory Flexibility Analyses is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/16/81 (46 FR 3910) with comments due by 07/14/81. Comments were originally due by 03/17/81. On 05/15/81 (46 FR 26789), the comment period was extended. It is expected that the final rule will be published by 06/30/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm, 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

3. Title: Labor Certification: Construction Workers on Guam—20 CFR 655.107(c)—(ETA/Immigration)

Abstract/Description: The Department is considering either revising its methodology for determining adverse effect wage rates or deleting the requirement for such rates. The Department is reevaluating the whole formula for modification or possible elimination.

Legal Authority: 8 U.S.C. 1184(c).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: An advance notice of proposed rulemaking was published on 10/16/81 (46 FR 50981) with comments due by 12/15/81. It is

expected that the proposal will be published by 06/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St., NW., Washington, D.C. 20213; (202) 376–6289.

4. Title: Labor Certification: Apprentice Construction Workers on Guam—20 CFR 655.107(b)— (ETA/Immigration)

Abstract/Description: Existing regulations would be revised to modify the apprentice/journeyman wage progressions for construction workers on Guam to bring them into line with wages on the mainland.

Legal Authority: 8 U.S.C. 1184(c).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 10/16/81 (46 FR 50982) with comments due by 12/16/81. It is expected that the final rule will be published by 03/31/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

5. Title: Effective Date: Annual Listing of Eligible Labor Surplus Areas—20 CFR Pt 654—(ETA/Job Service)

Abstract/Description: This rule would change the effective date of the "Annual Listing of Eligible Labor Surplus Areas" from June 1 to October 1 of each year to correspond with the fiscal year.

Legal Authority: 41 U.S.C. 10a et seq.; 29 U.S.C. 49 et seq.; E.O. 10582, as amended by E.O. 11051 and E.O. 12148.

Effects on Small Business: A Regulatory Flexibility Analysis is required; No.

Timetable/Status: A notice of proposed rulemaking was published on 06/01/82 (47 FR 23754) with comments due by 07/01/82. It is expected that the final rule will be published by 12/31/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

6. Title: Unemployment Compensation for Federal Civilian Employees—20 CFR Pt 609—(ETA/Unempl Prog)

Abstract/Description: These regulations implement 5 U.S.C. 8501–8508 which establishes a permanent program of unemployment compensation for Federal Civilian employees administered under agreements with State Employment Security Agencies. A revision of the regulations is required because of amendments made to the law by Pub. L. 94–566, enacted in October 1976 and Pub. L. 96–215, enacted in March 1980.

Legal Authority: 26 U.S.C. 3304 et seq.; 33 U.S.C. 857; 29 U.S.C. 1001 et seq. and 5 U.S.C. 8501–8508.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/23/81 (46 FR 7786) with comments due by 03/24/81. It is expected that the final rule will be published by 12/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Ed Kerley; Rm 7100, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–7104.

7. Title: Unemployment Compensation for Ex-Servicemembers—20 CFR Pt 614—(ETA/Unempl Prog)

Abstract/Description: The UCX Program is financed by Federal funds to furnish unemployment benefits to individuals who are separated from military service and are unable to obtain work. The program is administered under agreement with State Employment Security Agencies. A revision of the regulation would be made to reflect the amendments to the law made by Pub. L 94–566 (enacted in October 1976), Pub. L. 96–215 and Pub. L. 96–364 (enacted in March and September 1980).

Legal Authority: 26 U.S.C. 3304 et seq.; 5 U.S.C. 8521–8525.

Effects on Small Business: A regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/23/81 (46 FR 7796) with comments due by 03/24/81. It is expected that the final rule will be published by 12/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Ed Kerley; Rm 7100, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–7104.

8. Title: Airline Deregulation: Employee Benefit Program*—20 CFR Pt 638—(ETA/Unempl Prog)

Abstract/Description: These regulations are being developed to implement the benefit provisions contained in Section 43 of the Airline Deregulation Act. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act if an appropriation is ever signed into law. An eligible protected employee is a person who had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Civil Aeronautics Board determines that the principal cause of such job loss was deregulation.

Legal Authority: 49 U.S.C. 1552; Pub. L. 95–504.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 03/30/79 (44 FR 19146) with comments due by 04/30/79. A new notice of proposed rulemaking on the first right of hire provision was published on 09/17/82 (47 FR 41304), with comments due by 10/18/82. It is expected that the benefit provisions proposal will be published by 01/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Robert S. Kenyon; Rm 7004, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–7545.

9. Title: WIN Prog; General Provisions—29 CFR Pt 56—(ETA/WIN)

Abstract/Description: This rule would implement statutory changes contained in the Social Security Disability Amendment of 1980, affecting the WIN program, and makes certain other changes. The amendments (1) authorize job search activities and child care necessary for job search in addition to present activities; (2) Provide authority for fixed sanction periods for WIN registrants who fail to participate or accept employment; (3) provide that individuals working full-time are exempt from WIN; (4) delete the 60–day counseling period from adjudication process; and (5) authorize in-kind match for State share of social services.

Legal Authority: 42 U.S.C. 1305 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: An interim final regulation was published on 10/01/81 (46 FR 48606) with comments due by 11/30/81. The interim final rule was republished in full on 10/02/81 (46 FR 48644), with a 60-day comment period. It is expected that a final rule will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

10. Title: WIN Program; Exemptions—29 CFR 56.20,22,51 (Subpart C only)—ETA/WIN)

Abstract/Description: This rule would reflect statuory changes contained in the Omnibus Budget Reconciliation Act of 1981. The statutory amendments affect the exemption criteria of the WIN

program and incorporate provisions of previous court decisions relating to unemployed parents.

Legal Authority: Pub. L. 97–35.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 09/21/81 (46 FR 46776) with comments due by 11/20/81. The interim final regulation was published on 09/22/81 (46 FR 46803). It is expected that the final rule will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Grover Sanders; Rm 8408 PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6889.

11. Title: Labor Certification: Adverse Effect Wage Rate Methodolgy*—20 CFR 655.207—(ETA/Immigration)

Abstract/Description: Adverse effect wage rates are wage rates which must be paid to U.S. and alien workers by employers seeking to temporarily employ nonimmigrant alien agricultural workers, so that the employment of these aliens will not adversely affect the wages of similarly employed U.S. workers. A revised regulation would establish a new methodolgy for computing and applying a wage rate offered by employers who request utilization of temporary alien workers in agriculture, but not sheepherding or logging.

Legal Authority: 8 U.S.C. 1101.

Effects on Small Business: A regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A final rule was published 01/16/81 (46 FR 4568), and would have been effective 02/17/81. On 02/06/81 the Department published notice deferring the effective date until 03/30/81 (46 FR 11253). On 03/27/81 (46 FR 18951), the Department published a further notice that deferred the effective date of the rule until action had been taken on the proposal to withdraw the rule (46 FR 18991). The Department withdrew the final rule on 06/23/81 (46 FR 32437) and the previous methodology was retained. It is expected that a new proposed rule will be published by 11/15/82. In the interim a notice has been published making the 1981 AEWR effective for the 1982 crop year (47 FR 37980).

12. Title: Temporary Employment of Alien Agricultural and Logging Workers in the U.S.—20 CFR Pt 655.202(b)(1)—(ETA/Immigration)

Abstract/Description: Current regulations require employers who use temporary alien labor to provide employment, including housing, to any qualified U.S. worker who applies to the employer until 50 percent of the period of the work contract has elapsed. This provision is being reconsidered because employers may already have enough workers (foreign & domestic) to perform the work required, and an employer's housing may be completely occupied. This proposal under review would amend the regulations to require the employer to hire U.S. workers only until such time as foreign workers have departed for the employer's place of employment.

Legal Authority: 8 U.S.C. 1101.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 01/01/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000 PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

13. Title: Waiver of requirement to publish Veterans Indicators of Compliance—20 CFR 653.230(j)—(ETA/Job Service)

Abstract/Description: Currently 20 CFR 653.230(j) requires annual publication of the numerical values for each of the veterans preference compliance indicators in the **Federal Register.** ETA believes that this is an unnecessary and burdensome requirement and that compliance indicators can be issued in other ways. ETA proposes to waive the annual requirement for publication in the **Federal Register.** The waiver would only apply to the publication requirement. The preference indicators for Fiscal Year 1982 and Fiscal Year 1983 have already been issued in the Program and Budget Planning (PBP) guidelines.

Legal Authority: 38 U.S.C. 2007.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposal will be published by 12/31/82.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

14. Title: Senior Community Service Employment Program—29 CFR Pt 89—(ETA/Older Amer.)

Abstract/Description: These regulations govern the Senior Community Service Employment Program under Title V of the Older Americans Act. The program is designed to provide, foster, and promote part-time employment for low income persons 55 years old and older. The proposal is necessary to effectively carry out the provisions of the law as amended since 1978.

Legal Authority: 42 U.S.C. 3056.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A proposal was published March 25, 1980 (45 FR 19530). Public comments were due May 12, 1980. It is expected that the final rule will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Paul Mayrand; Rm 7122 PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6704.

15. Title: Limitations on Tax Credit Reductions and Interest on Advances to States—20 CFR 608—(ETA/Unempl Prog)

Abstract/Description: The Omnibus Budget Reconciliation Act of 1981 amended the tax credit provisions of FUTA to authorize the placing of a "cap" on reductions in tax credits on a State-by-State basis in certain prescribed circumstances. The amendment requires these determinations to be made in accordance with regulations prescribed by the Secretary of Labor. The same Act also amended Title XII of the Social Security Act to assess interest on advances to States, the payment of which is prohibited from State unemployment funds. The proposal would implement these statutory changes.

Legal Authority: Pub. L. 97–35 Sections 2406, 2407, 2408.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposal will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James VanErden; Rm 7414, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–7066.

16. Title: Extended Benefits Under Federal Unemployment Compensation Act—20 CFR Part 615—(ETA/Unempl Prog)

Abstract/Description: These regulations would be amended to implement various statutory

amendments of 1981 to the Federal-State Extended Unemployment Compensation Act of 1970. The regulations would (1) provide for the denial of extended benefits to certain interstate claimants and to individuals who fail to actively engage in seeking work, (2) provide for the purging of certain disqualifications in order to establish eligibility for extended benefits, and (3) establish the method of determining the rate of insured unemployment for extended benefit claims, the State trigger rates and removal of the National trigger.

Legal Authority: Pub. L. 91–573 Title II.

Effects On Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the proposal will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Edwin Kerley; Rm 7100, PHBldg; 601 D St. NW., Washington, D.C. 20213; (202) 376–7104.

17. Title: Unemployment Compensation Program—Disclosure of Information—20 CFR 620—(ETA/Unempl Prog)

Abstract/Description: These regulations are being proposed to implement sections of Pub. L. 96–249 which amended the Food Stamp Act of 1977 and Pub. L. 96–265, which amended the Social Security Act of 1977. The sections relate to disclosure of information maintained by States Employment Security Agencies to food stamp and child support enforcement authorities. The regulations protect the confidentiality of State unemployment compensation records from unauthorized or illegal access or disclosure.

Legal Authority: 42 U.S.C. 503.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposal will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Edwin Kerley; Rm 7100 PHBldg.; 601 D Street NW., Washington, D.C. 20213; (202) 376–7104.

18. Title: Trade Adjustment Assistance: Benefit Payments—20 CFR Pt 635—(ETA/Unempl-TAA)

Abstract/Description: These regulations would implement the 1981 amendments to the Trade Act of 1974. The Trade Adjustment Assistance program provides adjustment assistance in the form of reemployment services, training, job search, relocation allowances, and cash benefits (adjustment assistance) to workers whose unemployment is linked to increased imports of foreign-made products. The amendments represent a fundamental shift in program emphasis from income maintenance to placement and employment services and benefits such as training, job search and relocation. The 1981 amendments are designed to assure that adjustment assistance and reemployment services are more appropriately targeted to trade impacted workers with emphasis placed on their return to work. These changes would be published under 20 CFR 635 and such publication would substantially revise and supersede 29 CFR Part 91.

Legal Authority: 19 U.S.C. 2320.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposed rule-making will be published by 10/30/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Sam Bryant; Rm 7026, PHBldg.; 601 D Street NW., Washington, D.C. 20213; (202) 376–6120.

19. Title: Trade Adjustment Assistance Certification—29 CFR Pt 90—(ETA/Unempl-TAA)

Abstract/Description: This regulatory proposal would change regulations governing the investigation and certification process in accordance with the provisions of the Omnibus Budget Reconciliation Act of 1981. The new amendments eliminate the present "contributed importantly" standard for import impact certifications and require that increased competitive imports be the "substantial cause" of the adverse impact on employment and production. The substantial cause test would be the same as that used by the International Trade Commission (ITC) under Section 201 of the Trade Act. These changes will be published under 20 CFR 635 and such publication would substantially revise and supersede 29 CFR 90.

Legal Authority: 19 U.S.C. 2320.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposal will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Glenn Zech; Rm 10400 PHBldg.; 601 D Street NW., Washington, D.C. 20213; (202) 376–6799.

Review of Existing Regulations

20. Title: Temporary Employment of Alien Agricultural and Logging Workers in the U.S. (charges for meals)—20 CFR 655.202(b)(4)—(ETA/Immigration)

Abstract/Description: Current regulations state that when employers provide meals they may charge the worker no more than $4.00 per day. There are exceptions in cases where employers document costs exceeding $4.00 in support of higher meal charges. In such instances, a ceiling of $5.00 per day may be charged if approved by the RA. Consideration is being given to the need for increasing the allowable meal charges.

Legal Authority: 8 U.S.C. 1101.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the review will be completed by 01/01/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D Street NW., Washington, D.C. 20213; (202) 376–6289.

Completed Actions

21. Title: WIN Prog; State claims for Fed reimbursement—29 CFR Pt 56—(ETA/WIN)

Abstract/Description: This rule was reviewed in order to determine whether changes would be needed to implement § 306 of the "Adoption Assistance and Child Welfare Act of 1980". That section amended the Social Security Act to provide that State claims for the Federal portion of expenditures must be filed within the 2-year period beginning on the first day of the calendar quarter following the quarter in which the expenditures are made.

Legal Authority: 42 U.S.C. 602(a), 630–644. 1302.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: The rule has been reviewed, and it was determined that no regulatory changes are needed.

E.O. #12291: A regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

22. Title Labor standards for the Registration of Apprenticeship Programs—29 CFR Pt 29—(ETA/BAT)

Abstract/Description: The purpose of this proposed amendment to the existing regulations is to set forth a list of occupations considered apprenticeable by the Bureau of Apprenticeship and Training or one or more of the State and territorial apprenticeship agencies.

Legal Authority: 29 U.S.C. 50; 40 U.S.C. 276c.

Effects On Small Business: A regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 03/11/80 (45 FR 15571) with comments due by 06/30/81. Review has been completed and this proposal is withdrawn as it has been determined that the content of this proposal was not appropriate for formal rulemaking.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: Paul H. Vandiver; Rm 5414, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6217.

23. Title: Secretaty's Performance Standards for CETA Prime Sponsors—20 CFR 676.46—(ETA/CETA)

Abstract/Description: This rule is being considered to determine the need for a standardized methodology which must be used by the prime sponsors to establish local performance standards for CETA Titles II B/C and VII and for Services to Youth in FY '83.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: This proposal is withdrawn in view of pending enactment of new job training legislation.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Hugh Davies; Rm 10200, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-7840.

24. Title; Rewards and Sanctions for CETA Recipients—20 CFR 676.81—676.93—(ETA/CETA)

Abstract/Description: Consideration is being given to a rule which would outline under what conditions a prime sponsor may be reqarded or be subject to sanctions, provide examples of possible rewards or sanctions, and specify the appeals process, where applicable, prior to the imposition of sanctions.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: Review has been completed and this proposal is withdrawn pending enactment of new job training legislation.

E.O. #12291; A Regulatory Impact Analysis is required: No.

Agency Contact: Robert Colombo; Rm 6402, PHBldg; 601 D St. NW., Washington, D.C. 20213; (202) 376-7647.

25. Title: Complaints, Investigations and Sanctions—20 CFR Pts 675 and 676—(ETA/CETA)

Abstract-Description: The proposal would make a number of technical changes to existing rules necessary for proper operation of the CETA complaint and hearing procedures. It would also add a provision which would enable the Grant Officer to make a final determination that no CETA violation is alleged, thereby eliminating the need for a full hearing before an Administrative Law Judge where there are not disputed factual issues.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable Status: A notice of proposed rulemaking was published on 01/27/81 (46 FR 9008) with comments due by 03/30/81. After full consideration of comments and in view of pending enactment of new job training legislation, it has been determined to withdraw this item from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Robert Colombo; Rm 6402, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6093.

26. Title: CETA: Allowability of Legal Expenses—20 CFR 676.40-2—(ETA/CETA)

Abstract/Description: This regulation would specify the conditions under which CETA funds may be used by recipients (and their subrecipients and contractors) for legal fees associated with administration of grants. The Regulations would provide CETA recipients with more explicit and comprehensive guidance as to the allowability of legal costs than presently exists.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/23/81 (46 FR 7395) with comments due by 03/23/81. This proposal has been withdrawn due to predominantly unfavorable reaction from the public during the comment period, and in recognition of pending enactment of new job training legislation. *E.O. #12291:* A Regulatory Impact Analysis is required: No

Agency Contact: Robert Colombo; Rm 6402, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-7647.

27. Title: Regulations Concerning Eligibility of Prisoners—20 CFR 675.5-1(e)—(ETA/CETA)

Abstract/Description: This proposal would have made CETA services be available to all eligible prisoners, with a proviso limiting payment of wages and allowances to one year from presumptive release.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/23/81 (46 FR 7395) with comments due by 02/23/81. This proposal has been withdrawn due to minimum impact that the rule is likely to have given the expiration of CETA at the end of FY 1982.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: Robert Colombo; Rm 6402, PHBldg.; 601 D St. NW.; Washington, D.C. 20213; (202) 376-7647.

28. Title: Migrant and Other Seasonally Employed Farmworkers Program Under CETA—20 CFR Pt 689—(ETA/CETA)

Abstract/Description: Existing rules were reviewed to determine whether or not to modify the competitive process by which CETA Sec. 303 migrant and seasonal farmworkers grantees are selected, by incorporating improvements recommended by the GAO and the National Academy of Public Administration.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: The review has been completed. The agency has decided not to proceed with a proposal in view of pending enactment of new job training legislation.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Ludwin Branch; Rm 7122, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-7300.

29. Title: Waiver of Allowances Under CETA—20 CFR 676.26-2(j)—(ETA/CETA)

Abstract/Description: ETA reviewed its regulations to determine whether or not amendments were needed to simplify the procedures that CETA prime sponsors must follow in waiving allowance payments to CETA participants.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: The agency has completed its review and has determined that no modifications are needed at this time.

E.O. #12291: A Regulatory Impact Analyis is required: No.

Agency Contact: Robert Colombo; Rm 6402. PHBldg.; 601 D Street NW., Washington, D.C. 20213; (202) 376-6093.

30. Title: Services for Veterans—20 CFR Pt 653, Subpt C—(ETA/Job Service)

Abstract/Description: The existing rules are being reviewed in order to determine whether or not changes are necessary pursuant to Pub. L. 96–466, which made changes affecting employment services for veterans provided by the U.S. Employment Service.

Legal Authority: 38 U.S.C. 2001–2008.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: Review has been completed and rulemaking has been determined to be unnecessary.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

31. Title: Employment Service System: Secretary's Performance Standards—20 CFR Pt 653, Subpt F—(ETA/Job Service)

Abstract/Description: A review of these regulations would determine whether or not a standardized methodology to be used to establish performance standards for the Employment Service agencies in order to permit DOL to determine whether the agencies are efficiently using their resources.

Legal Authority: 29 U.S.C. 49.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: Review has been completed. The Agency has decided not to proceed with a proposal in view of pending enactment of new job training legislation.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

32. Title: Targeted Jobs Tax Credit—20 CFR Pt 654, Subpart C—(ETA/Job Service)

Abstract/Description: Proposed rules were considered in order to provide the state employment agencies with rules for carrying out their functions and responsibilities under the Targeted Jobs Tax Credit legislation.

Legal Authority: 26 U.S.C. 1 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: Review has been completed and it has been determined that it is not necessary to proceed with rulemaking. Accordingly, this proposal is withdrawn from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

33. Title: Deletion of Sections of Employment Service Regulations—20 CFR 653 and 658 (certain sections)—(ETA/Job Service)

Abstract/ Description: ETA reviewed its Employment Service regional office reporting requirements and its procedural requirements relating to state job counseling and job information activities.

Legal Authority: 29 U.S.C. 49.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: The agency has completed its review and has determined that no modifications are needed at this time.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg., 601 D Street NW., Washington, D.C.; (202) 376–6289.

34. Title: Certification of Grantee Procurement—41 CFR Pt 29–50—(ETA/Procurement)

Abstract/Description: These regulations would implement OMB Circular A–102, attachment O, which requires that a grantor agency be certified. These regulations would set forth acquisition procedures and provide guidelines for ETA grantees related to Automatic Data Processing Equipment.

Legal Authority: E.O. 1128.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: The agency has decided not to go forward with these rules at this time.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Harvey Horn; Rm 5322, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6544.

35. Title: Acquisition and Use of Automatic Data Processing Equipment (ADPE)—41 CFR Pt 29–70—(ETA/Procurement)

Abstract/Description: These rules would set forth the certification process for the acquisition of ADPE when a grantee has not been certified or is decertified. The purpose of these regulations is to assure uniform application of these procedures.

Legal Authority: E.O. 1128.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: The agency has decided not to go forward with these rules at this time.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Harvey Horn; Rm 5322, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6544.

36. Title: Special Unemployment Assistance; Revocation—20 CFR Pt 619—(ETA/Unempl Prog)

Abstract/Description: This rule revokes 20 CFR Part 619, originally established under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 (P.L. 93–567, approved 12/31/74). The Special Unemployment Assistance (SUA) Program was a temporary program of unemployment assistance for workers not covered by permanent unemployment compensation programs.

Legal Authority: P.L. 93–567.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A final rule was published on 07/13/82 (47 FR 30238) and became effective on 07/13/82. This item is therefore removed from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Bert Lewis; Rm 10430, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–2022.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

Current Rulemakings

1. Title: Airline Deregulation: First Right of Hire*—29 CFR Pt 220—(LMSA/Employee Prot)

Abstract/Description: These regulations would implement the first right of hire provisions of the Airline Dergulation Act of 1978. Under the language of the Act relating to this duty to hire, each protected employee who is "furloughed or otherwise terminated" (except for cause) from his or her employment by a certificated air carrier between the date the Act was passed and October 24, 1988 "*shall have first right of hire, regardless of age, in his occupational specialty*" by any covered carrier hiring "additional employees," with the sole exception that covered carriers are entitled to recall furloughed employees before hiring a protected individual.

Legal Authority: 49 U.S.C. 1552; P.L. 95–504.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 03/30/79 (44 FR 19146) with comments due by 04/30/79. A new notice of proposed rule-making on the first right of hire provisions was published on 09/17/82 (47 FR 41304) with comments due

by 10/18/82. It is expected that an additional NPRM on the employee benefit provisions will be issued within the next 6 months.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Hugh Reilly; Rm S2207, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–9674.

2. Title: Supplemental Pay*—29 CFR Pt 2510—(LMSA/ERISA)

Abstract/Description: This regulation would amend the existing regulation under section 3(2) of ERISA by describing the circumstances under which supplemental payments by employers to retirees to help offset the effect of inflation on pension benefits will be deemed to be made under an employee welfare benefit plan rather than under an employee pension benefit plan. The regulation has been targeted by the President's Task force on Regulatory Relief.

Legal Authority: 29 U.S.C. 1135 & 29 U.S.C. 1002.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/27/81 (46 FR 8571) with comments due by 03/30/81. On 02/06/81 (46 FR 11292) the proposal was republished in order to correct typographical errors. On 02/13/81 (46 FR 12214) a notice was published correcting typographical errors to the 02/06/81 republication. It is expected that the final rule will be published by 11/01/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dave Rood; Rm N4456, FPBldg.; 200 Constitution Ave. N.W., Washington, D.C. 20210; (202) 523–8368.

3. Title: Individual Benefit Reporting—Recordkeeping—Multiple Employer Plans—29 CFR Pts 2520 and 2530—(LMSA/ERISA)

Abstract/Description: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiple employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports.

Legal Authority: 29 U.S.C. 1025, 1059 and 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 08/08/80 (45 FR 52824) with comments due by 10/08/80. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulation. A notice of public hearing was published on 11/12/80 (45 FR 74727) and the hearing was held on 11/25/80. It has not been determined when a final rule will be published.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Robert Doyle; Rm N4700, FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8515.

4. Title: Individual Benefit Reporting and Recordkeeping for Single Employer Plans—29 CFR Pts 2520 and 2530—(LMSA/ERISA)

Abstract/Description: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports.

Legal Authority: 29 U.S.C. 1025, 1059 and 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 08/01/80 (45 FR 51231) with comments due by 10/01/81. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiple employer plan benefit reporting regulation. A notice of public hearing was published on 11/12/80 (45 FR 74728) and the hearing was held on 11/25/80. It has not been determined when a final rule will be published.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Robert Doyle; Rm N4700, FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8515.

5. Title: Deferral of the Due Date of the Updated Summary Plan Description *—29 CFR 2520.104 b.2—(LMSA/ERISA)

Abstract/Description: Every plan administrator is required to provide plan participants and beneficiaries and the Department of Labor with a summary of plan provisions, known as the summary plan description (SPD), at 5 or 10 year intervals. The proposed rule would establish the beginning point for the five- (or ten-) year periods for updating or replacing the SPD as the date the initial SPD was filed and distributed (generally 11/77), rather than the date the plan became subject to ERISA (generally 1975). The proposed regulation also provides that, in any event, distribution of an updated SPD would not be required before 11/16/82. The regulation has been targeted by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 1024, 1030 and 1135

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 03/26/82 (47 FR 13007) with comments due by 05/25/82. It is expected that the final rule will be published by 11/01/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Robert Doyle; Rm N4700, FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8515.

6. Title: Alternate Format of the Updated Summary Plan Description *—29 CFR 2520.104 b.2—(LMSA/ERISA)

Abstract/Description: The Employee Retirement Income Security Act of 1974 (ERISA) requires that every plan administrator provide plan participants and beneficiaries and the Department of Labor with a summary of plan provisions, known as the summary plan description (SPD). This regulation would provide an alternative with respect to the form the updated SPD may take and how it may be distributed.

Legal Authority: 29 U.S.C. 1024, 1030 and 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the proposal will be published by 11/01/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Robert Doyle; Rm N4700, FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8515.

7. Title: Definition of Plan Assets and Establishment of Trust (remaining provisions) *—29 CFR Pt 2550—(LMSA/ERISA/DPA–ET)

Abstract/Description: The remaining part of this regulation would clarify what investments constitute assets of an employee benefit plan under ERISA. It also would provide certain exemptions from the requirements that plan assets be held in trust not dealt with in the earlier part. The regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 06/06/80 (45 FR 38084) with comments due by 08/05/80. (An earlier proposal had been published on 08/28/79 (44 FR 50363). A final rule dealing with the housing portion of the regulation was published on 05/18/82 (47 FR 21241) and became effective on 06/17/82. The publication date of the final regulation dealing with the remaining issues is under consideration.

E.O. #12291: A Regulatory Impact Analysis is required: TBD

Agency Contact: William A. Schmidt; Rm C4508 FPBldg., 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–9592.

8. Title: Administration of Labor Protection Provisions Affecting Mass Transit Employees under 13(c) of the Urban Mass Transportation Act*—29 CFR 215—(LMSA/Employee Prot)

Abstract/Description: This proposal would revise the Department's current guidelines concerning administrative procedures in processing applications for mass transit assistance under the Urban Mass Transportation Act of 1964, as amended, and the criteria followed by the Secretary of Labor when certifying "fair and equitable" employee arrangements under section 13(c) of the Act.

Legal Authority: 49 U.S.C. 1609.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the proposal will be published by 02/01/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Hugh Reilly: Rm S2207 FPBldg., 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–9674.

9. Title: Participant Directed Individual Account Plans—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: The regulation would describe the kinds of plans referred in section 404(c) as participant directed individual account plans, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Legal Authority: 29 U.S.C. 1104(c) & 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the proposal will be published by 12/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Charmaine B. Gordon; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523–9593.

10. Title: Loans to Participants—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: This rule describes the circumstances under which the exemption in section 408(b)(1) from the prohibited transaction provisions for loans by a plan to plan participants will be available.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the proposal will be published by 12/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: William Flanagan; Rm C4508, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–8610.

11. Title: Distribution of Summary Annual Reports—29 CFR 2520—(LMSA/ERISA)

Abstract/Description: In regulations published in the **Federal Register** on July 23, 1982, plans were allowed to meet the distribution requirement for current employees by posting a copy of Form 5500–R (annual report) or a notice of its availability in years when the Form 5500–R was used as the annual report. This project would look at whether distribution to current employees by posting of the SAR or a notice of its availability should be allowed in all years and for all plans (not just small plans in years when the Form 5500–R is filed).

Legal Authority: 29 U.S.C. 1024, 1029, 1030 & 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the proposal will be published by 12/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Joseph L. Roberts III; Rm N4700, FPBldg., 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–8685.

12. Title: Labor Organization Annual Reports—29 CFR 403.3, 403.4—(LMSA/LMSE)

Abstract/Description: 29 U.S.C. 431 requires labor organizations to file annual financial reports with DOL. Format and content changes to these reporting forms (LM–2 and LM–3) are being considered to simplify the reporting requirements of labor organizations, facilitate more efficient processing of reports by DOL, and assist DOL in the administration and enforcement of the Labor-Management Reporting and Disclosure Act.

Legal Authority: 29 U.S.C. 431, 438, 461.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that a notice of proposed rulemaking will be published by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Denise Boucher; Rm N5109, FPBldg., 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7373.

Review of Existing Regulations

13. Title: Election Enforcement Provisions of the LMRDA—29 CFR Pt 452, Subpt J—(LMSA/LMSE)

Abstract/Description: This rule, if promulgated, would revise and up-date the existing enforcement provisions of the interpretative bulletin on elections of union officers subject to the LMRDA.

Legal Authority: 29 U.S.C. 481, 482.

Effects on Small Business: A regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 10/03/80 (45 FR 65925) with comments due by 12/17/80. No further action was taken in 1981 or in early 1982. The proposed rulemaking may be reconsidered in early 1983. It is expected that the review will be completed by 09/30/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Kay Oshel; Rm N5109, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523–7373.

Completed Action

14. Title; Eligible Individual Account Plan—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: This rule would clarify the term "Eligible Individual Account Plan" as used in section 407(d)(3). Such plans may invest all their assests in securities and real property related to the employer, provided certain conditions are met.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: William Schmidt; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523–9592.

15. Title: Definition of Term "Qualifying Employer Real Property"—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: This rule would define various terms used in the statutory definition of "qualifying employer real property". Such property generally is real estate owned by a plan and leased to the employer sponsoring the plan.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibiity Analysis is required: Yes.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Charmaine Gordon; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523–9593.

16. Title: Prohibited Extension of Credit—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: This rule would interpret aspects of the statutory prohibition in section 404(a)(1)(B) of ERISA against the lending of money and other extensions of credit between a plan and a party in interest.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A regulatory Flexibility Analysis is required: Yes.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Mary O. Lin; Rm C4508, FPBldg.; 200 Constitution Ave, NW.; Washington, DC 20210; (202) 523–9595.

17. Title: Prohibited Sales, Exchanges and Leases—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: Section 406(a)(1)(A) of ERISA provides that a fiduciary of a plan should not cause the plan to engage in a transaction if he knows or should know that such transaction consititutes a direct or indirect sale, exchange or lease of property between the plan and party-in-interest. The rule would provide guidance to DOL's view of the scope of the above prohibitions.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Flexibility Impact Analysis is required: TBD.

Agency Contact: Jay A. Neuman; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523–8658.

18. Title: Certain Plans for Management and Highly Compensated Employees—29 CFR Pt 2510—(LMSA/ERISA)

Abstract/Description: This rule would provide guidance regarding the circumstances under which a plan will be deemed unfunded and maintained by an employer primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees. Plans which have these characteristice are exempted from the participation, vesting and funding requirements of ERISA.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Jay S. Neuman; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523–8658.

19. Title: Transitional Relief for Certain Dispositions of Property—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: This regulation would clarify the scope of transitional relief provided in section 414(c)(5) of ERISA. The regulation would clarify the circumstances under which the prohibited transaction provisions contained in sections 406 and 407(a) of ERISA are inapplicable to certain sales, exchanges or other dispositions of property to a party-in-interest.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Douglas Wham; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523–7923.

20. Title: Revision of Summary Annual Report for Small Plans—29 CFR 2520.104b-10—(LMSA/ERISA)

Abstract/Description: This regulation amends the summary annual report requirement to harmonize it with the triennial reporting system for small plans recently put into effect. The exisiting regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 1024, 1029, 1030 & 1135

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A notice of proposed rulemaking was published on 01/06/81 (46 FR 1304) with comments due by 03/09/81. A final rule was published on 07/23/82 (47 FR 31871) and became effective on 07/21/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Joseph L. Roberts III; Rm N4700, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8685.

21. Title: Conversions Splits and Other Transactions not Deemed "Acquisitions"—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: This Regulation would specify the extent to which conversions, splits, the exercise of rights and similar transactions will not be treated as "acquisitions" for purposes of 407(d)(8), which limits the extent to which an employee benefit plan may acquire securities issued by the employer sponsoring the plan.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Charmaine Gorden; Rm C4508, FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–9593.

22. Title: Definition of Plan Assets and Establishment of Trust (housing part) *—29 CFR Pt 2550—(LMSA/ERISA/DPA-ET)

Abstract/Description: This part of the regulation clarified that the underlying mortgages of certain mortgage backed securities guaranteed by FNMA, GNMA, and FHLMC are not plan assets. It is also provided certain exemptions from the requirement that plan assets be held in trust. The regulation was targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 1135

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 06/06/80 (45 FR 38084) with comments due by 08/05/80. This regulation was originally proposed on 08/28/79 (44 FR 50363). This part of the final rule was published on 05/18/82 (47 FR 21241) and became effective on 06/17/82. A final rule was published on 05/18/82 (47 FR 21241) and became effective on 06/17/82. The final rule deals with some issues raised in the 06/06/80 proposal relating to certain governmental mortgage pools and the trust requirement. The publication date of a final regulation dealing with the remaining issues is under consideration. This item is therefore removed from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: William A. Schmidt; Rm C4508, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–9592.

MINE SAFETY AND HEALTH ADMINISTRATION

Current Rulemakings

1. Title: Review of Metal and Nonmetal Standards *—30 CFR Pts 55, 56 and 57—(MSHA/)

Abstract/Description: These standards would be revised to: (1) Eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Legal Authority: 30 U.S.C. 811.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 03/25/80 (45 FR 19267) with comments due by 08/05/80. Originally the comment period ended 05/27/80, but on 06/06/80 (45 FR 38087), comments were extended to 08/05/80. A notice was published on 11/20/81 (46 FR 57253), announcing MSHA's initial priorities for its comprehensive standards review and it's intent to hold informal public conferences. A subsequent notice was published on 03/09/82 (47 FR 10190), which announced a series of public conferences to be held in March, April, May 1982, and invited post-conference comments by 06/04/82. On 05/28/82 (47 FR 23484), the post-conference comment period was extended to 06/30/82. It is expected that preproposal drafts of high priority standards sections will be made available during late 1982 and early 1983.

E.O. #12291: A Regulatory Impact Analysis is required: TBD

Agency Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

2. Title: Review of Safety and Health Standards Applicable to Coal Mines *—30 CFR Pts 70, 71, 75 and 77—(MSHA)

Abstract/Description: MSHA plans to review these standards to: (1) clarify and update existing standards; (2) eliminate unnecessary standards; (3) reduce recordkeeping burdens on the industry; and (4) incorporate technological advances. MSHA has initiated a review of all safety standards for underground coal mines. As part of this review, MSHA is specifically soliciting suggestions for regulatory changes to roof support, explosives and the ventilation requirements in § 75.316.

Legal Authority: 30 U.S.C. 811.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 07/09/82 (47 FR 30025) with comments due by 09/07/82. The comment period was extended to 11/15/82 on 08/27/82 (47 FR 38097). It is expected that a list of the priority sections to be reviewed and a discussion of the issues surrounding them will be published during March 1983.

E.O. #12291: A Regulatory Impact Analysis is required: TBD

Agency Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

3. Title: Miner Participation in the Respirable Dust Sampling Procedures—30 CFR Pts 70, 71 & 90—(MSHA/)

Abstract/Description: This proposal would amend MSHA's coal mine respirable dust regulations to permit miners' representatives to participate in the dust sampling process for underground and surface miners and for miners who have evidence of pneumoconiosis.

Legal Authority: 30 U.S.C. 811.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A notice of proposed rulemaking was published on 04/08/80 (45 FR 24008) with comments due by 06/02/80. Since the proposal, MSHA has revised all of its coal mine respirable dust sampling procedures to simplify and improve the dust sampling process. MSHA will evaluate all of the comments and testimony on the proposal within the context of the new dust program to determine appropriate regulatory action. It is expected that further rulemaking action will be taken during 1983.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Patricia W. Silvey; Rm 627, Bt #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

4. Title: Wire Ropes Standards—30 CFR 75.1401–1; 77.1402–1; 77.1903(b)—(MSHA/)

Abstract/Description: This rule would revise, clarify and update MSHA's current wire rope standards with regard to requirements for the selection, installation, use, inspection, maintenance, and removal of wire ropes used in coal and metal and nonmetal mines.

Legal Authority: 30 U.S.C. 811.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the notice of proposed rule-making will be published by 10/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

Review of Existing Regulations

5. Title: Pattern of Violations—30 CFR Pt 104—(MSHA/)

Abstract/Description: The Mine Act provides for closure under certain conditions, of mines having a pattern of serious violations until the mine is completely free of such violations. The proposed regulation would set forth criteria for determining if a "pattern of violations" exists.

Legal Authority: 30 U.S.C. 814(e) & 957.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A notice of proposed rulemaking was published on 08/15/80 (45 FR 54656) with comments due by 10/14/80. Since the proposal was published, the statutory concept of "significant and substantial violations" (S&S) has been redefined by the Federal Mine Safety and Health Review Commission. Because the definition of these violations is a critical element in this rulemaking, MSHA is re-evaluating its current policy on S&S violations for comments to determine an appropriate course of regulatory action.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

6. Title: Construction Work at Surface Areas of Mines: Safety, Health Standards—30 CFR Pt 110—(MSHA/)

Abstract/Description: This rule would set forth minimum safety and health requirements for construction workers at surface areas of mines.

Legal Authority: 30 U.S.C. 811(a)(8).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 09/07/79 (44 FR 52258) with comments due by 10/22/79. This rulemaking has subsequently been affected by legislative actions which limit MSHA's jurisdiction over certain construction activities at surface mines. In addition, several legislative proposal have been introduced which would permanently affect MSHA's jurisdiction over these activities. MSHA has decided to defer further rulemaking until a more definitive position has been reached with respect to MSHA's jurisdiction over surface construction.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

7. Title: Alternate Program for Equipment Approvals*—30 CFR Pt 37—(MSHA/)

Abstract/Description: This would be a new Part. The proposal would provide an alternate program for the approval of certain equipment used in underground mines. Under the proposal, applicants would certify to MSHA that the equipment meets the required design and test criteria, has been successfully tested, and will be produced in accord with an accepted quality control plan. This program would reduce the time needed to introduce new and safe technology into mines.

Legal Authority: 30 U.S.C. 811.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by the end of 1982.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

Completed Actions

8. Title: Civil Penalties—30 CFR Pt 100—(MSHA/)

Abstract/Description: This rule modifies the present system for assessing penalties to permit MSHA and the mining community to refocus their efforts toward more serious mine safety and health hazards. These changes include a single minimum penalty of $20 for violations where there is no reasonable likelihood of a serious injury or illness, and provide greater credit to operators for their good faith efforts to abate violations.

Legal Authority: 30 U.S.C. 815, 820, & 957.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 11/07/80 (45 FR 74444) with comments due by 02/05/81. Public hearings were held 02/23–26/82 (see 47 FR 2335, 01/15/82). A final rule was published on 05/21/82 (47 FR 22286) and became effective on 05/21/82. This item is therefore removed from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Patricia W. Silvey; Rm 627 BT#3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT

Current Rulemakings

1. Title: Cost of Principles for State Employment Security Agency (SESA) Grants—41 CFR Pt 29–15—(OASAM/)

Abstract/Description: These regulations would establish general principles and procedures governing grants that the DOL issues to state employment agencies for unemployment insurance and the operation of the job service offices. They would describe costs which are allowable, costs which are allowable only with prior DOL approval, and costs which are unallowable as charges to grants for employment security and unemployment insurance administration.

Legal Authority: 5 U.S.C. 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 12/19/80 (45 FR 83998) with comments due by 01/19/81. It is expected that a revised proposal will be published by 12/31/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Theodore Goldberg; Rm S4015, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–9174.

Review of Existing Regulations

2. Title: Debarment and Suspension of Contractors—41 CFR Subpt. 29–1.6—(OASAM/)

Abstract/Description: The Office of Management and Budget requires all federal agencies to implement its Policy Letter 82–1 on Debarment and Suspension through implementing regulations. These rules govern standards, policies, and procedures which will apply if an individual or concern is to be debarred or suspended from eligibility to receive DOL contracts.

Legal Authority: 41 U.S.C. 252; 5 USC 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that a notice of proposed rulemaking will be published by 12/31/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Theodore Goldberg; Rm S4015, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–9174.

3. Title: Nondiscrimination in Federally Assisted Programs—29 CFR Pt 31—(OASAM/OCR)

Abstract/Description: The existing Title VI regulation is being reviewed with a view toward establishing a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs. The need for uniform administrative and enforcement procedures is also being reviewed.

Legal Authority: 29 U.S.C. 794, 881–992; 42 U.S.C. 6102, 2000d–1; 20 U.S.C. 168, 1686.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the review will be completed by 01/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: David Morman; Rm N4603, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–8905.

Completed Actions

4. Title: Suspension & termination of grants & agreements; debarment—41 CFR 29–70.213—(OASAM/)

Abstract/Description: This new rule would set forth the Federal standards which apply if a grant is to be suspended or terminated, or if a grantee is debarred from eligibility to receive a DOL grant.

Legal Authority: 5 U.S.C. 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A review of this rule has been completed. It was determined that its issuance is unnecessary at this time. This item is therefore removed from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Theodore Goldberg; Rm S4015, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–9174.

OFFICE OF THE INSPECTOR GENERAL

Current Rulemakings

1. Title: Federal & non-federal audit requirements—41 CFR 29–70.207—(OIG)

Abstract/Description: This rule would provide for independent audits of financial operations of Federal grantees that are State or local governments or Indian tribal governments that receive Federal assistance.

Legal Authority: 5 U.S.C. 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 08/17/82 (47 FR 35784) with comments due by 09/16/82. It is expected that the final rule will be published by 11/16/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Jerome Subkow; Rm S5030, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–8424.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Current Rulemakings

1. Title: Health Hazards of Chemicals in Laboratories—29 CFR Pt 1910—(OSHA/Health)

Abstract/Description: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific exposure standards.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: An advance notice of proposed rulemaking was published on 04/14/81 (46 FR 21785) with comments due by 07/15/81. It is expected that the proposal will be published by 07/83.

E.O.#12291: Regulatory Impact Analysis is required: TBD.

Agency Contact: Dr. Leonard Vance; Rm N3719, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523–7075.

2. Title: Carcinogen Policy*—29 CFR Pt 1990—(OSHA/Health)

Abstract/Description; The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priortiies for potential rulemaking activities. The validity of the scientific criteria set forth in the policy and the cost-effectiveness of the rule are being examined.

Legal Authority: 29 U.S.C. 653, 655, 657.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: The original standard was issued in 1980 before the Supreme Court "Benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benezene decision was published on 01/19/81 (46 FR 4889). A proposal was published on 01/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 03/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 01/05/82 (47 FR 187) with comments due by 04/05/82. That document also proposed to stay the publication of the candidate and priority lists. The end of the comment period on the proposed stay of the candidate and priority lists was 02/19/82. It is expected that the proposal on the underlying rule will be published by 12/82.

E.O #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718, FPBldg.; 200 Constitution Ave, NW; Washington, DC. 20210; (202) 523–7075.

3. Title: Cotton Dust*—29 CFR 1910.1043—(OSHA/Health)

Abstract/Description: The standard, issued in 1978, has been legally challenged and stayed as it applies to certain industries. In addition, where the standard is in effect, there have been problems with the device that is used to measure cotton dust. Further, control methods, specified by the standard may not be cost effective. There is also question about the demonstration of a significant risk of disease in some of the industry sectors covered by the standard. Data are now being collected to determine how and to what extent the rule should be revised.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 02/09/82 (47 FR 5906) with comments due by 03/26/82. That publication modified and expanded the issues set forth in an ANPRM published on 03/31/81 (46 FR 19501). It is expected that the proposal will be published by 01/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance: Rm N3718, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523–7075.

4. Title: Ethylene Oxide (EtO)*— 29 CFR 1910.1000, Table Z–1—(OSHA/Health)

Abstract/Description: OSHA has announced its intention to conduct rulemaking on whether to revise the current standard for Ethylene Oxide (EtO) because NIOSH and other sources have provided data indicating that the current permissible exposure limit may not be adequate to protect worker health.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 01/26/82 (47 FR 3566) with comments due by 03/31/82. It is expected that the proposal will be published by 06/83.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 05/14/82 (47 FR 20803) with comments due by 09/13/82. It is expected that the proposal will be published by 04/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance: Rm N3718, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523–7075.

5. Title: Definition of Coal Tar Pitch Volatiles—29 CFR 1910.1002—(OSHA/Health)

Abstract/Description: OSHA believes the interpretation of coal tar pitch volatiltes needs to be corrected to

exclude substances resulting from distillation of petroleum and wood products.

Legal Authority: 29 U.S.C. 655(b) & 657(g).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 05/28/82 (47 FR 23482) with comments due by 08/26/82. It is expected that the final rule will be published by 11/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7075.

6. Title: Respiratory Protection*—29 CFR 1910.134, etc.—(OSHA/Health)

Abstract/Description: The present respiratory protection standards have been in place for 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. Therefore, it is considered appropriate to reexamine the subject of respiratory protection and to modify the existing standards after review of the comments received.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 05/14/82 (47 FR 20803) with comments due by 09/13/82. It is expected that the proposal will be published by 04/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7075.

7. Title: Ethylene Dibromide (EDB)*—29 CFR 1910.1000, Table Z-2—(OSHA/Health)

Abstract/Description: Since 1970 several independent scientific studies have concluded that Ethylene Dibromide (EDB) can cause cancer in laboratory animals. In addition, EDB has been shown to be mutagenic in several test systems. This evidence raises serious concern about the adequacy of the current permissible exposure limits for EDB, which were adopted by OSHA in 1971.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 12/18/81 (46 FR 61671) with comments due by 05/31/82. Originally comments were due on 03/01/82, but on 02/26/82 (47 FR 8380), the comment period was extended to 03/31/82. On 04/02/82 (47 FR 14169), a further extension of the comment period to 05/31/82 was published. It is expected that the proposal will be published by 05/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7075.

8. Title: Inorganic Arsenic—29 CFR 1910.1018—(OSHA/Health)

Abstract/Description: In 1978, OSHA issued a new regulation reducing the permissible limit for employee exposure to arsenic. Because of the Supreme Court's decision in *Industrial Union Department v. American Petroleum Institute*, 448 U.S. 607 (1980), the rule is inadequate since no significant risk assessment was performed. The Ninth Circuit has remanded the standard to the Agency for reconsideration of the issue of significance of risk.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 04/09/82 (47 FR 15358) with comments due by 06/18/82. This notice reopened the record for the Inorganic Arsenic Standard, published on 05/05/78 (43 FR 19584), to receive information relating to assessments of risk from exposure to inorganic arsenic, and the significance of that risk. An informal hearing was held on 07/13/82. The public record closed on 09/03/82. It is expected that the final rule will be published by 01/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7075.

9. Title: Labeling: Hazard Communication*—29 CFR 1910.1200—(OSHA/Health)

Abstract/Description: The proposed standard would require chemical manufacturers to assess the hazards of chemicals which they produce and to provide information to their employees about these hazards by means of hazards communication programs including labels, material safety data sheets and training.

Legal Authority: 29 U.S.C. 655(b), 657.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A proposal was originally published 01/16/81 (46 FR 4412) and was withdrawn on 02/12/81 (46 FR 12020) pending further analysis of the regulatory alternatives. A notice of proposed rulemaking was published on 03/19/82 (47 FR 12092) with comments due by 05/18/82. On 04/16/82 (47 FR 16348), public hearings were scheduled for 06/15/82 in Washington, D.C.; 07/13/82 in Houston, Texas; 07/20/82 in San Diego, California; and 07/27/82 in Detroit, Michigan. On 05/14/82 (47 FR 20324), OSHA gave notice of a change in the 07/20/82 hearing site to take place in Los Angeles instead of San Diego, California. It is expected that the final rule will be published by 06/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7075.

10. Title: Noise—Hearing Conservation Amendment*—29 CFR 1910.95(e)-(s)—(OSHA/Health)

Abstract/Description: The amendment requires employers to provide an effective hearing conservation program for all employees exposed to an 8 hour TWA of 85 dB. The amendment contains requirements for monitoring employee noise exposure, audiometric testing, and education and training of employees. OSHA is now reexaming certain requirements to determine if they are cost-effective and/or feasible. The regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/ Status: A final rule was published on 01/16/81 (46 FR 4078) and would have become effective 04/15/81, but the Department placed an administrative stay on the effec ive date until 08/22/81 (see 46 FR 21365, 28845, 39137). On 08/22/81 a final rule was published (46 FR 42622) which partially lifted the administrative stay as to many provisions of the amendment; made certain technical corrections; and asked for additional comment on the possible deletion of some provisions. The effective date of the provisions for which the stay was lifted was 08/22/81. Also, a notice of proposed rulemaking regarding the other provisions of the amendment was published on 08/21/81 (46 FR 42639) with comments due by 11/

23/81. A notice of hearing to be held on 03/23/82 was published on 01/29/82 (47 FR 4317). A notice was published on 09/11/81 (46 FR 45333) correcting Appendix A which was published on 08/21/81 at page 42635. On 08/13/82 (47 FR 35189) a notice was published deferring the 08/22/82 deadline for employers to obtain employee audiograms under 29 CFR 1910.95(s)(3). This deferral was effective 08/13/82, and a new deadline will be contained in the revised hearing conservation amendment when it is published as a final rule. It is expected that the final rule will be published by 11/82.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718, FPBldg.; 200 Constitution Ave. NW. Washington, D.C. 20210; (202) 523–7075.

11. Title: Personal Sampling Devices—29 CFR 1903.7—(OSHA/Health)

Abstract/Description: OSHA proposes to amend Section 1903.7 by issuing a legislative rule to expressly authorize its compliance officers to use personal sampling devices and to attach such devices to employees during the conduct of workplace inspections. The proposed rule would remove any questions concerning the agency's authority to use personal sampling devices as an aid in its workplace inspections.

Legal Authority: 29 U.S.C. 657 (a) and (g)(2).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 02/12/82 (47 FR 6530) with comments due by 04/13/82. It is expected that the final rule will be published by 11/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718, FPBldg.; 200 Constitution Ave. NW. Washington, D.C. 20210; (202) 523–7075.

12. Title: Lead—Reconsideration of Whole Standard*—29 CFR 1910.1025—(OSHA/Health)

Abstract/Description: The current standard for occupational exposure to lead was promulgated in 1978. It sets a PEL of 50 micrograms of lead per cubic meter (ug/m^3) of air, and requires the use of feasible engineering or workpractice controls. There are serious questions concerning significant risk, feasibility and cost-effectiveness of the standard in certain industries; therefore, OSHA has announced its intention to review and reconsider the regulation.

Legal Authority: 29 U.S.C. 655.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 04/21/81 (46 FR 22764) with comments due by 06/01/81. The ANPRM asked for comment on such issues as economic and technological feasibility, and cost-effectiveness. It is expected that the proposal will be published by 12/82.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

13. Title: Lead—Reconsideration of Whole Standard; Stay of Compliance Plan Provision for the 3 Lead Industries—29 CFR 1910.1025(e)(3)(ii)(B) and (E)—(OSHA/Health)

Abstract/Description: Under the lead standard, employers must establish a written compliance program describing the means by which it intends to reduce employee exposures to the permissable explosure limit (PEL) (or the interim level) by means of engineering and work practice controls within the time specified by the regulation. Because the lead standard is being reconsidered, OSHA proposes to stay the date by which the written compliance plan must be completed and available to the Agency for the primary and secondary lead smelting industries and the battery manufacturing industry.

Legal Authority: 29 U.S.C. 657.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed administrative stay was published on 06/18/82 (47 FR 26560) with comments due by 07/19/82. A notice of deferral of the effective date until 08/30/82, was also published on 06/18/82 (47 FR 26557). On 09/14/82 (47 FR 40410), OSHA published a notice of a 60-day temporary stay of the effective date of the compliance plans provisions for the three major lead using and producing industries. Final decisions on this matter will be published by November 1982.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

14. Title: Lead—Remanded Industries; coverage of the stevedoring industry—29 CFR 1910.1025—(OSHA/Health)

Abstract/Description: Circumstances unique to the stevedoring industry may make the application of the OSHA Lead Standard, in its present form, inappropriate. Therefore, OSHA has proposed to exempt this industry or to administratively stay application of the entire standard to this industry while the Agency examines (1) whether the stevedoring industry should be subject to this, or any lead standard and (2) if the industry should be subject to a different lead standard, what form that standard should take.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice was published on 02/26/82 (47 FR 8381) with comments due by 03/29/82. It is expected that final decisions in this matter will be published by 11/82.

E.O. #12291: A Regulatory impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg.; 200 Consititution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

15. Title: Lead—Quantitative Fit Testing (QNFT) (Interim Rule)—29 CFR 1910.1025(f)(3)(ii)—(OSHA/Health)

Abstract/Description: The present OSHA Lead Standard requires the use of QNFT, a method for numerically measuring facepiece seal leakage, on all users of negative pressure respirators. New information indicates that certain types of qualitative fit testing (QLFT), a method that relies on the wearer's subjective response to pressure, an irritant fume or a substance with a characteristic odor or taste, may be adequate to determine the fit of negative pressure respirators. OSHA has proposed an interim rule to permit the use of QLFT pending its reconsideration of the general respirator standard (1910.134) and the QNFT requirements of the Lead Standard (1910.1025(f)(3)(ii)).

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 05/19/81 (46 FR 27358) with comments due by 11/13/81. On 01/10/81, the comment period was extended to 08/4/81 (46 FR 35683). T hereafter it was extended to 11/13/81. Public hearings were held in Washington, D.C., on 09/23/81. It is expected that the final rule will be published by 11/82.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg.; 200 Constitution Ave.

NW., Washington, D.C. 20210; (202) 523-7075.

16. Title: Access to Employee Exposure and Medical Records (Reconsideration of Whole Rule)—29 CFR 1910.20—(OSHA/Health)

Abstract/Description: The regulation, promulgated in May, 1980 (45 FR 35212), requires employers to preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances, and to assure access to these records by employees, designated employee representatives, and OSHA. OSHA has reviewed the regulation and has proposed certain modifications including revision of the definitions of "toxic substance" and "exposure records", changes in the scope and application of the regulation and additional trade secret protection provisions.

Legal Authority: 29 U.S.C. 655(b) and 657.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 07/13/82 (47 FR 30420) with comments due by 09/21/82. The notice of proposed rulemaking also scheduled a hearing for 10/05/82 in Washington, D.C., with notices of intention to appear to be received before 09/14/82. Statements and documentary evidence to be presented at the hearing were to be submitted before 09/21/82. It is expected that the final rule will be published by 06/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-7075.

17. Title: Recordkeeping—29 CFR 1904 .12, 1904.16—(OSHA/Health/Safe)

Abstract/Description: The rule would exempt certain groups of employers from OSHA recordkeeping requirements. The proposal would exempt employers in industrial classifications with injury rates that are significantly lower than the average lost workday case rate.

Legal Authority: 29 U.S.C. 657.

Effects on Small Business: A regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A notice of proposed rulemaking was published on 06/04/82 (47 FR 24346) with comments due by 07/06/82. It is expected that the final rule will be published by 11/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-7075.

18. Title: Marine Terminals *—29 CFR Pt 1918a—(OSHA/Safety)

Abstract/Description: This new standard would facilitate compliance for employers in the marine cargo handling industry. These employers are currently required to comply with standards in two sets of regulations, General Industry and Maritime Employment.

Legal Authority: 29 U.S.C. 655(b); 33 U.S.C. 941.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/16/81 (46 FR 4182). The comment period ended on 08/15/81. A notice was published on 04/06/82 (47 FR 14716), further extending the comment period to 05/03/82, and announcing a series of public hearings which were held on 05/25/82, 06/08/82, and 06/22/82, to address issues raised by the proposal and the alternative provisions. It is expected that the final rule will be published by 04/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

19. Title: Walking/Working Surfaces *—29 CFR Pt 1910—Subpt D—(OSHA/Safety)

Abstract/Description: The present Subpart D needs to be revised because it is out of date and restricts technological innovation. The proposed revision will be performance oriented.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 04/23/76 (41 FR 17102) with comments due by 06/22/76. It is expected that the proposal will be published by 07/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605 FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

20. Title: Revocation of Advisory and Repetitive Standards—29 CFR Pt 1910—(OSHA/Safety)

Abstract/Description: There are a number of subject areas now presently covered by a "should" provision. Because of numerous court decisions holding that these rules are only advisory, OSHA has been precluded from enforcing abatement of associated hazards. The revocation of these provisions as well as some duplicative standards will aid in clarifying the General Industry Standards.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 05/28/82 (47 FR 23477) with comments due by 07/27/82. On 06/08/82 (47 FR 24751) and 06/15/82 (47 FR 25743), notices were published correcting the 05/28 proposal. On 08/10/82 (47 FR 34577) the comment period was extended to 09/10/82. It is expected that the final rule will be published by 06/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

21. Title: Concrete, Concrete Forms and Shoring—29 CFR Pt 1926—Subpt Q—(OSHA/Safety)

Abstract/Description: One of the greatest hazards associated with concrete and masonry structures in the construction industry is the collapse or failure of the entire structure or its forms and shoring. The catastrophic failures that have occurred in recent years compel review of the existing standard applicable to such construction operations.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 02/09/82 (47 FR 5910) with comments due by 04/10/82. It is expected that the proposal will be published by 09/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

22. Title: Multi- and Single-Piece Rim Wheels—29 CFR 1910.177—(OSHA/Safety)

Abstract/Description: OSHA is proposing to amend section 1910.177, Servicing Multi-Piece Rim Wheels, to include the servicing of single-piece rim wheels. A review of injuries incurred by employees servicing single piece rim wheels indicates risks comparable to those associated with servicing multi-piece rim wheels prior to the issuance of

section 1910.177. The proposed amendment, if adopted, would require employee training, both initial and periodic refresher, the use of clip-on chucks and observance of prohibited areas while inflating single piece rim wheels, correct matching of tires and wheels, and adherence to safe servicing procedures. It is expected that the cost of the regulation would be minimal.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposal will be published in 10/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Barry White; Rm N3605, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

23. Title: Grain Handling Facilities*—29 CFR Pt 1910, Subpt H (new section)—OSHA/Safety)

Abstract/Description: Employees in grain handling facilities (grain elevators, processing plants, and mills) are exposed to safety hazards associated with fires and explosions. Enforcement personnel have met with difficulties in the application of existing OSHA general industry standards to control these major hazards. OSHA is now developing a proposed standard for grain handling facilities.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 02/15/80 (45 FR 10732) with comments due by 03/24/80. It is expected that the proposal will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

24. Title: Commercial Diving Operations: Whole Standard*—29 CFR Pt 1910—Subpt T—(OSHA/Safety/Com. D)

Abstract/Description: The standard regulates commercial diving operations. It needs to be revised to provide more flexibility to small diving operations with regard to equipment use, medical fitness, and recordkeeping. In addition, other issues need to be resolved, including the issue of dual jurisdiction over diving operations which now exists between OSHA and the U.S. Coast Guard. The standard has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 02/26/82 (47 FR 8379) with comments due by 06/14/82. Originally the comment period ended on 04/12/82, but on 04/16/82 the comment period was extended to 06/14/82. It is expected that the proposal will be published by 04/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

25. Title: Commercial Diving Operations: Exemptions*—29 CFR 1910.401(a)(2)(iv)—Subpt T—(OSHA/Safety/Com.D)

Abstract/Description: The OSHA standard for commercial diving operations does not exempt diving operations performed solely for marine scientific research and development purposes by educational institutions. However, the U.S. Coast Guard standard, which is similar in content to the OSHA standard, does exempt educational/scientific diving. Therefore, OSHA is in this notice proposing an exemption for educational/scientific diving which is identical to that which is presently contained in the U.S. Coast Guard's standard for commercial diving operations (46 CFR Part 197). The commercial diving operations standard has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: An advance notice of proposed rulemaking was published on 08/17/79 (44 FR 48274) with comments due by 10/15/79. A notice of proposed rulemaking was published on 03/26/82 (47 FR 13005) with comments due by 05/10/82. Additionally, interested parties were given until 04/26/82 to file objections to the proposal and request an informal hearing. On 05/28/82 (47 FR 22972), the comment period was extended to 06/18/82. Hearings were held in June and July 1982. It is expected that the final rule will be published by 10/82.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

25a. Title: State Plan Benchmarks—29 CFR 1902—(OSHA/Safety)

Abstract/Description: The proposed rule will allow OSHA to grant final approval under Section 18(e) of the Act to eligible States when their compliance staffing is equivalent to Federal staffing. This action has been precluded for the past four years because of "benchmark" staffing requirements established in response to a 1978 Court decision and order. Through FY 1982 Supplemental Appropriations action (P.L. 97–257), Congress has required the modification of these previously established benchmarks and established the principle that State staffing need only be equivalent to current comparable Federal staffing. The preamble to the proposed rule will also give public notice of the actual required benchmark modifications for each State operating an approved State plan.

Legal Authority: Pub.L. 91–596, § 8(g) and 18.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the notice of proposed rule-making will be published by 10/82.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Patrick R. Tyson; Rm S4004 FP Bldg.; 200 Constitution Ave. NW, Washington, D.C. 20210; (202) 523–8021.

Review of Existing Regulations

26. Title: Asbestos*—29 CFR 1910.1001—(OSHA/Health)

Abstract/Description: OSHA contemplates revising this rule because NIOSH and other sources have provided data to OSHA indicating that the present OSHA permissible exposure limit (PEL) may not adequately protect workers from asbestos-related diseases. The revision may include a reevaluation of the current PEL and control requirements representing the most cost-effective way for industries to achieve the PEL.

Legal Authority: 29 U.S.C. 655(b), 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 02/83.

E.O #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718, FP Bldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

27. Title: Nonionizing Radiation—29 CFR 1910.97—(OSHA/Health)

Abstract/description: The current rules needs revision because it states that it is a guide and uses the advisory words "should" and "recommended" in its provisions. Hence it has been construed to be advisory and unenforceable. It is necessary to implement an enforceable standard because the hazards of exposure above the currently recommended level are widely accepted. Also, the ever increasing use of radio frequency radiation emitting devices has produced strong public and congressional concern.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the review will be completed by 08/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Dr. Leonard Vance; Rm N3718, FP Bldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

28. Title: Engineering Controls vs Respirators; Generic Question*—29 CFR Part 1910—(OSHA/Health)

Abstract/Description: Current OSHA standards, both general and specific, now require that feasible engineering controls, rather than respirators, are to be used as the primary means to control employee exposure to airborne toxic materials. It has been requested that OSHA reexamine this policy on cost-effectiveness grounds and consider modification of present standards. This regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the proposal will be published by 6/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

29. Title: Noise—Review of the Standard as a Whole (PEL and Methods of Compliance)*—29 CFR 1910.95—(OSHA/Health)

Abstract/Description: OSHA's existing standard specifies a maximum permissible exposure limit (PEL) of 90 dB and requires reduction of noise levels through the use of engineering or administrative means, whenever, feasible. The noise standard has been targeted for review by the President's Task Force on Regulatory Relief. OSHA proposes to review the standard in order to assess the cost-effectiveness of various regulatory alternatives that the Agency has not previously studied. The Agency intends to examine the PEL in view of current research data.

Legal Authority: 29 U.S.C. 655(b)

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the proposal will be published by 8/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

30. Title: Ionizing Radiation—29 CFR 1910.96—(OSHA/Health)

Abstract/Description: A number of different federal agencies have responsibility for regulating occupational exposure to ionizing radiation. OSHA is reviewing its regulations to insure that they remain consistent with other federal agencies' regulations.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: OSHA is participating in a number of interagency activities with regard to ionizing radiation. Although the review is continuing, OSHA does not anticipate publication of any rulemaking documents within the next six months.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Dr. Leonard Vance; Rm N3718, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

31. Title: Hazardous Materials*—29 CFR Pt 1910, Subpt H—(OSHA/Safety)

Abstract/Description: The present Subpart H standard is out of date and in some respects is oriented towards public safety and property protection. OSHA has been petitioned to cover many other hazardous materials operations where presently it has no standards.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 01/23/81 (46 FR 7692) with comments due by 02/01/82 (46 FR 38108). It is expected that the review of the entire subpart will take more than a year.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

32. Title: Electrical Safety—Related Work Practices*—29 CFR Pt 1910—Subpt S (new section)—(OSHA/Safety)

Abstract/Description: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard, which relates to Electrical Safety Related Work Practices.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 04/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

33. Title: Powered Platforms for Exterior Building Maintenance—29 CFR 1910.66—Subpt F—(OSHA/Safety)

Abstract/Description: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, may need to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the review will be completed by 11/82.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

34. Title: Oil and Gas Well Drilling and Servicing*—29 CFR Pt 1910—(OSHA/Safety)

Abstract/Description: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 02/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

35. Title: Mechanical Power Transmission Apparatus—29 CFR Pt 1910—Subpt O—(OSHA/Safety)

Abstract/Description: The current standard may need to be revised because it emphasizes line shafting, belt and pulley systems that are alleged to be obsolete. The current standard also overlaps with other rules. In addition, the standard could be made more "performance" oriented than it is now.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the review will be completed by 12/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

36. Title: Excavations, Trenching and Shoring—29 CFR Pt 1926—Subpt P—(OSHA/Safety)

Abstract/Description: This rule prescribes and recommends the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule is being considered because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 04/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

37. Title: Floor and Wall Openings, and Stairways—29 CFR Pt 1926—Subpt M—(OSHA/Safety)

Abstract/Description: The existing standard is being reviewed because it is poorly formatted, ambiguous, omits coverage of several areas needing fall protection and is misnamed. The standard has resulted in industry and trade confusion as well as compliance officer misapplication because of its present format and language.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 06/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

38. Title: Underground Construction (Tunnels and Shafts)—29 CFR Pt 1926 Subpt S (§§ 1926.800–802)—(OSHA/Safety)

Abstract/Description: The existing standards may be revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts, chambers, passageways and covered excavations. In some cases, the existing standard may be too restrictive. Additionally, some of the language is ambiguous.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 02/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

39. Title: Electrical Standards—Construction*—29 CFR Pt 1926—Subpt K—(OSHA/Safety)

Abstract/Description: The current OSHA standard incorporates the old (1971) National Electrical Code by reference and is in need of updating. The agency is examining the rule in light of repeated criticisms that many details in the present standard either conflict with or limit the implementation of current construction practices.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 02/83.

E.O. No. 12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

40. Title: Ladders and Scaffolds—29 CFR Pt 1926—Subpt L—(OSHA/Safety)

Abstract/Description: Several significant problem areas in this rule are being reviewed: (1) the maximum distance between the scaffold and the wall; (2) whether cross-bracing may be used in lieu of guardrails; (3) whether cross-bracing may be used as ladders.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 05/83.

E.O. No. 12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

41. Title: Conveyors—29 CFR Part 1910—Subpart N—(OSHA/Safety)

Abstract/Description: This rule would specify general work practice requirements, guarding requirements and provisions for safeguarding during repairs, tests and services.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 06/03/74 (39 FR 19507) with comments due by 06/30/81. Following a public hearing in 10/74, the project was dormant until 11/14/80 when a notice to reopen the record was published (45 FR 75238). A notice to schedule a public hearing and extend the comment period was published on 01/16/81 (46 FR 3916). On 04/10/81 a notice (46 FR 21368) was published to cancel the public hearings, schedule public meetings, and propose the addition of non-mandatory appendices. Public meetings were held in 05/81 and the public comment period eneded 06/30/81. Industry contended the standard was unnecessarily excessive and not needed. At this time, it has not been determined whether further regulatory action will be undertaken with the next year.

E.O. No. 12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

Completed Actions

42. Title: Standards for Shipyard Employment—29 CFR Pt 1915—(OSHA/Safety)

Abstract/Description: The purpose of this rule is to consolidate Parts 1915, 1916 and 1917 of the Shipyard Regulations into a single comprehensive Part, entitled "Part 1915—OSHA Standards for Shipyard Employment," to make it easier for both the public and OSHA to use rules and reduce the volume of the standards. This consolidation action does not alter the substantive requirements of the standards themselves nor does it change their present scope and application. Substantive amendments to the shipyard standards are not included here and notice and comment on these changes were therefore not required.

Legal Authority: 29 U.S.C. 655(b) and 657(g).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A final rule was published on 04/20/82 (47 FR 16984) an became effective on 05/20/82.

E.O. No. 12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

43. Title: Gasoline Dispersing: Latch and Attendant requirements—29 CFR Pt 1910.106(g)(2) and (g)(3)(iv)—(OSHA/Safety)

Abstract/Description: The previous OSHA standard for gasoline service stations, open and available to the public, prohibits the use of latch-open devices on gasoline delivery nozzles used by persons other than the service station attendant. This rule would permit the use of such devices. In addition, the rule would remove references to service station attendants be deleting confusing language in the existing standard.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 03/30/82 (47 FR 13386) with comments due by 04/29/82. A final rule was published on 09/07/82 (47 FR 39161) and became effective on 09/07/82. This item is therefore removed from the agenda.

E.O. No. 12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

Signed this 24th day of September, 1982, at Washington, D.C.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 82-28103 Filed 10-27-82; 8:45 am]

BILLING CODE 4510-23-M

federal register

Thursday
October 28, 1982

Part XIII

Department of State

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

Federal Register

Thursday
October 26, 1972

Part XIII

Department of State

Bureaucratic Agents of Regulation and Regulatory Flexibility Agencies

DEPARTMENT OF STATE

22 CFR Ch. I

[Docket No. SD-180]

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

AGENCY: Department of State.

ACTION: Publication of Regulatory Agenda.

SUMMARY: As required by Executive Order 12291 and OMB Bulletin No. 82-16, the October 1982 agenda of regulations of the Department of State is set forth below. The agenda also contains regulatory flexibility information required by the Regulatory Flexibility Act of 1980 (Pub. L. 96-354).

FOR FURTHER INFORMATION CONTACT: K. E. Malmborg, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, NW, Washington, D. C. 20520, telephone (202) 632-2350.

CURRENT AND PROJECTED RULEMAKINGS

Title: Foreign Missions Act Regulations

Agency Contact: Walter F. Weiss, Deputy Assistant Secretary for Operations, Department of State, 2201 C Street NW., Washington, D.C. 20520 (202) 632-1638.

Effects on Small Business and Other Entities: Significant economic effect on small vendors is not expected.

CFR Citation: 22 CFR Part unassigned.

Legal Authority: Title II of P.L. 97-241 (96 Stat. 282).

Abstract: The Foreign Missions Act creates certain authorities for the Secretary of State relating to the regulation of foreign missions, diplomatic, consular, and international organization. Exercise of those authorities could involve restricting or controlling the access of such missions to American vendors of goods and services. Exercise of other authorities in the Foreign Missions Act could affect the location of premises of foreign missions. The regulations under consideration would provide procedures for exercise of these authorities.

Timetable: These regulations are at the stage of preliminary consideration. No timetable has been established.

Title: Intergovernmental Review of Federal Programs

Agency Contact: Ely Maurer, Assistant Legal Adviser for Educational, Cultural and Public Affairs, Department of State, 2201 C Street NW., Washington, D.C. 20520 (202) 632-2682.

Effects on Small Business and Other Entities: No.

CFR Citation: 22 CFR Part unassigned.

Legal Authority: E.O. 12372 of July 14, 1982 (47 FR 30959).

Abstract: To implement the requirements of E.O. 12372 (47 FR 30959), which is designed to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development.

Timetable: To be determined.

REVIEW OF EXISTING REGULATIONS

Title: International Traffic in Arms

Agency Contact: William B. Robinson, Director, Office of Munition Control, Department of State, 2201 C Street NW., Washington, D.C. 20520, (202) 632-9755.

Effects on Small Business and Other Entities: No.

CFR Citation: 22 Parts 121-128 and 130.

Legal Authority: The Arms Export Control (22 U.S.C. 2757 et seq.).

Abstract: The proposed international Traffic in Arms Regulations (ITAR) referred to in the April Semiannual Agenda (47 FR 21555, May 10, 1982) are still under consideration in light of Executive Order 12291.

Timetable: Proposed regulations are expected to be ready to be brought into force toward the end of 1982 or early 1983.

COMPLETED ACTIONS

Title: Claims of U.S. Nationals against Iran within the jurisdiction of the Iran-U.S. Claims Tribunal

Agency Contact: David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, 2201 C Street NW., Washington, D.C. 20520. (202) 632-7810.

Abstract: It has been determined that issuance of regulations is unnecessary. Information for the claimants and the general public about Tribunal procedures and other relevent matters is disseminated by Public Notice published from time to time in the **Federal Register.**

Title: Hostage Compensation Regulations

Agency Contact: Walter F. Weiss, Deputy Assistant Secretary for Operations, Department of State, 2201 C Street NW., Washington, D.C. 20520. (202) 632-1638.

Effects on Small Business and Other Entities: No.

CFR Citation: 22 CFR Part 191.

Abstract: Proposed legislation to implement recommendations of the President's Commission on Hostage Compensation has been sent to Congress but has not been acted upon. Until legislation is enacted, regulations currently in place to implement the Hostage Relief Act of 1980 need not be modified or expanded.

Dated: September 28, 1982.

Robert H. Miller,

Acting Under Secretary for Management.

[FR Doc. 82-28104 Filed 10-27-82; 8:45 am]

BILLING CODE 4710-10-M

federal register

Thursday
October 28, 1982

Part XIV

Department Of Transportation

Office of the Secretary

Regulatory Agenda Semi-Annual Summary

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Ch. 1

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I and III

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 80-2]

Department Regulations Agenda; Semi-Annual Summary

AGENCY: Department of Transportation.

ACTION: Department Regulations Agenda

SUMMARY: The Regulations Agenda is a semi-annual summary of all current and projected rulemakings, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated, or for which action has been completed since the last Agenda. The Agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the Agenda and the Review List are 400 Seventh Street, S.W., Washington, D.C. 20590, except for the Federal Aviation Administration and the St. Lawrence Seaway Development Corporation, which are located at 800 Independence Avenue, S.W., Washington, D.C. 20591, and the U.S. Coast Guard, which is located at 2100 Second Street, S.W., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda or the Review List, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-4723.

Specific

For further information about any particular item on the Agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

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Agenda

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

Appendix B - General Rulemaking Contact Persons

Appendix C - Public Rulemaking Dockets

Appendix D - Innovative Regulatory Techniques

Background

Improvement of government regulations is a prime goal of the Reagan Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation"; 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semi-annual Regulations Agenda for publication in the **Federal Register**. The Agenda summarizes all current and projected rulemaking, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last Agenda.

The Agendas are based on reports submitted by the initiating offices by the beginning of February and August each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda is prepared and published in the **Federal Register**. The Department's last Agenda was published in the **Federal Register** on April 1, 1982 (47 FR 14014). The next one is scheduled for publication in the **Federal Register** in April 1983.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), P.L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. The symbol "†" appears at the left margin, prior to the title, for each significant and nonsignificant regulation in this Agenda for which a Regulatory Flexibility Analysis will be, or has been, prescribed. In addition, where the RFA applies to a significant regulation in this Agenda, that fact is noted in the regulation's summary under subheading E, "Analysis," by the addition of a slash (/) after the words "Regulatory Evaluation" or "Regulatory Impact Analysis," followed by the words "Regulatory Flexiblity Analysis." In addition, subheading D, "Effects on Small Entities" will indicate whether a Regulatory Flexibility Analysis is required by a "yes" or a "no."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last Agenda. The symbol "†" also will appear in the left margin, prior to the title, and a "yes" or "no" will be found under subheading D, for each such regulation. It should be noted, however, that after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

Definitions

The Agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other

organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary -

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transporation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register**; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively that

(1) is likely to result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major effect on the general economy in terms of costs, consumer prices, or production;

(c) A major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) 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; or

(2) The Secretary or head of the initiating office determines deserves such an analysis.

Explanation of Information on the Agenda

In accordance with Office of Management and Budget Bulletin No. 82-16 (July 22, 1982), it has been necessary for use to revise the headings under which the information on our Agenda is presented. The following describes our new system.

The Regulations Agenda is divided by initiating offices. For each initiating office the Agenda is divided into three categories: (1) current and projected rulemakings, (2) reviews of existing regulations, and (3) completed actions. These categories are further subdivided into priority rulemakings (or regulations) and other rulemakings. Priority rulemakings are divided into major and non-major, with non-major including all significant rulemakings that do not require a regulatory impact analysis. The "other rulemakings" include all those defined by the Department as nonsignificant, including the routine and frequent rulemakings. For each entry, the Agenda provides the following information: (1) a short descriptive title; (2) a summary; and (3) a timetable, including the earliest expected date for a decision on whether to issue the proposed or final regulation, or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.)

The summary includes: (A) an abstract of the review or the proposed or final regulation; (B) the related regulatory citation in the Code of Federal Regulations; (C) the legal basis for the action being taken or the regulation being reviewed; and (D) a statement as to whether the Regulatory Flexibility Act applies because of the rulemaking's effect on small entities. It may also include (E) a listing of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the Agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation. (F) If there is information that does not fit in the above categories, it will be included under a separate heading, entitled "Additional Information". For each entry, the summary will also include (G), an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the Agenda.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it is contained in parentheses immediately following the short descriptive title of the rulemaking. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number. The Federal Highway Administration also provides an FHPM number at this point for easier reference by those who use the Federal-aid Highway Program Manual (FHPM). The numbers following the FHPM represent, respectively, the volume, chapter, section and subsection at which the material is located in the FHPM.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposal or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291, must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the **Federal Register** would follow within a few days. In addition, these dates are based on current schedules. Subsequently received information could result in a decision not to take regulatory action or in changes to proposed publication

dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

It should be noted that some of the items on the Agenda result from programs that were established to review existing regulations and revoke or revise those regulations that the initiating office determined were not achieving their intended purpose. Projects under regulatory development that resulted from a review of existing regulations to determine whether they should be revoked or revised are preceded by the word "Review" in the "Title" column. Because some reviews can be large-scale undertakings, and because there are already a number of these in the regulatory development process, the Department thought it would provide the public with valuable information if it indicated not only which regulatory reviews are under consideration but also which reviews have now reached the stage where proposed revisions are being, or have been, prepared. The number of regulatory projects that an initiating office can handle is limited by available resources. Therefore, the number of projects in the regulatory development stage may limit the number of reviews that can be added.

General

To allow for easier use of the Agenda and for quick comparison with earlier Agendas, the Department has instituted the following additional procedures in the Agenda: (1) Items listed on the Agenda retain the same order in each semi-annual publication. If subheadings are used within an initiating office's listing, then the same order is retained within each subheading. (2) New items generally are added at the end of the appropriate portion of the Agenda and are identified by an asterisk ("*") on the left side of the "Title" when first added. (3) New substantive information added to items that were on an earlier Agenda is printed in italics.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semi-Annual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the Agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the Agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the Agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our Agenda is intended primarily for the use of the public. In each of the Agendas that we have issued, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the Agenda easier to use. We would now like to ask you, the public, to make suggestions or comments on how the Agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from Agenda to Agenda? Do you find that the format for setting out the information enables you to use the Agenda easily? Do you find that the explanation of the information in the Agenda is clearly explained in the preamble to the Agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations list; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses' paragraph above.

It should be noted that in February 1981, the Department initiated a systematic review of over 40 of its most costly and controversial existing regulations for possible revision/rescission. Most of these reviews are now completed and a second group of Department of Transportation regulations have been selected for priority review treatment. Regulations selected for either the first or second round of this priority review process are listed under the subheading "Priority

Regulations" in the review portion of the Agenda.

Innovative Regulatory Techniques

The Department of Transportation is reviewing its regulations for areas where the application of innovative regulatory techniques would be appropriate. The Department invites the assistance of the public in this search.

Particular techniques that have shown promise throughout the federal government are (1) the creation of marketable rights; (2) the use of economic incentives; (3) the use of performance standards; (4) the use of market-oriented compliance measures; (5) the enhancement of competition; (6) the use of information disclosure; (7) the use of voluntary standards; and (8) the tailoring of standards to distinguish among categories of regulated entities ("tiering"). More complete descriptions of these innovative techniques are set forth in Appendix D. The Department of Transportation is already using these techniques in many regulatory programs. However, the views of the public are solicited with respect to other regulatory programs where these techniques can be applied effectively to reduce the burdens on regulated entities or to reduce governmental costs. If you have any suggestions, please send them to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Address" paragraph above. Additional information on the innovative techniques program can be obtained by contacting Neil R. Eisner, whose address appears above.

Purpose

The Department is publishing this Regulations Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the **Federal Register** does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the Agenda or the Review List. Regulatory action in addition to the items listed is not precluded. If further information is desired on any of the items listed in the Agenda or the Review List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the Agenda, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, D.C. on September 15, 1982.

Andrew L. Lewis,

Secretary of Transportation.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

OST — Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Allocation of "Slots" at Washington National Airport.	**A. Abstract:** Proposed amendment to establish procedures for allocating the hourly number of instrument flight operations (takeoffs and landings) or "slots" that may be reserved at Washington National Airport (WNA) in accordance with the FAA's High Density Rule. This proposal is considered a significant rulemaking project due to substantial public interest and potential costs to airlines. The Civil Aeronautics Board and the Department of Justice have expressed concerns about continuing the antitrust immunity under which the airline scheduling committees currently allocate slots at WNA. A new method of allocation may become necessary. **B. CFR Citation:** 14 CFR pt. 93. **C. Legal Authority:** 49 U.S.C. 1303, 1347, 1348 (a), (b), and (c), and 1354(a); (Sections 103, 306, 307 (a), (b), and (c), and 313(a), Federal Aviation Act of 1958, as amended); 49 U.S.C. 1655(c), (Sec. 6(c) DOT Act); Sec. 2, Act for the Administration of Washington National Airport, 54 Stat. 688. **D. Effects on Small Entities:** No. **E. Analysis:** Regulatory Impact Analysis. **F. Additional Information:** The CAB in conjunction with the FAA commissioned the Polinomics Research Laboratories, Inc., to research the allocation problem A report of its findings has been prepared. Another report by Econ, Inc. analyzing a slot allocation auction procedure has been prepared under an FAA contract. On August 15, 1980, the Secretary of Transportation issued a Policy for the Operation of Washington National Airport (WNA). The policy and implementing regulations were published in the Federal Register on September 18, 1980 (45 FR 62406). On October 29, 1980, DOT issued an emergency regulation for the temporary allocation of slots at WNA for the period December 1, 1980 until April 26, 1981, because of the failure of the scheduling committee to come to an agreement for that period. The emergency regulation was published in the Federal Register on November 3, 1980 (45 FR 72637). The NPRM for a long term solution to the slot allocation problem was issued on October 27, 1980 (45 FR 71236). A public hearing was held on February 13, 1981, and the comment period was extended until February 26, 1981 (46 FR 932, January 5, 1981). **G. Agency Contact:** Harvey Safeer, (202) 426-3331.	NPRM Comment Period Extended. Public hearing. Further action to be determined.	10/27/80 1/5/81 2/13/81	45 FR 71236 46 FR 932
Nondiscrimination on the Basis of Handicap.	**A. Abstract:** The Department's section 504 rule is one of those selected for priority review. In addition, a May 1981 Federal Court of Appeals decision said that section 504 of the Rehabilitation Act of 1973 did not authorize the Department's rule as it affects mass transit. The Department published an interim final rule changing the transit portion of the rule on July 20, 1981 (48 FR 37488) to conform to the Court's decision. Other parts of the rule will be revised in light of the decision and as part of the priority review of the regulation, with an NPRM to be issued proposing any appropriate changes. The section 504 rule is a controversial regulation affecting all parts of DOT as well as many providers and users of DOT-funded or operated programs. The mass transit section of the rule is controversial and changes to the rule will be of considerable interest to the public. These regulatory actions are necessary in order to make the rule consistent with the Court's decision and the Administration's regulatory policy. **B. CFR Citation:** 49 CFR pt. 27. **C. Legal Authority:** 29 U.S.C. 794, (Section 504 of the Rehabilitation Act of 1973, as amended); 49 U.S.C. 1612(a), (Section 16(a) of the Urban Mass Transportation Act of 1964, as amended); 23 U.S.C. 142 nt, (Section 165(b) of the Federal-aid Highway Act of 1973, as amended). **D. Effects on Small Entities:** No. **E. Analysis:** Regulatory Evaluation. (Interim amendment); Regulatory Impact Analysis (NPRM for comprehensive revision).	NPRM	11/82	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

OST

Current and Projected Rulemakings

Priority Rulemakings: Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: The Final Rule establishing the Department's section 504 regulations was published May 31, 1979 (44 FR 31442). Interim final rule published July 20, 1981 (46 FR 37488). After Department completes work on NPRM, it must be coordinated with the Department of Justice and the Office of Management and Budget before publication. **G. Agency Contact:** Robert C. Ashby, (202) 426-4723			

Priority Rulemakings: Non-Major

Title	Summary	Timetable		
		Action	Date	Cite
Title VI Civil Rights Regulation...	**A. Abstract:** The proposed regulations would assemble in one package all DOT procedures and requirements concerning all recipients of financial assistance under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4). This rulemaking is significant because substantial public interest is anticipated and it will affect all of the DOT elements and the administration of all grant programs. The Department has an existing Title VI regulation dating from 1970, and a Title VI order promulgated by Secretary Coleman on Jan. 19, 1977, and reaffirmed by Secretary Adams in March of that year. This rule is undergoing a priority regulatory review within the Department, and changes may be proposed based on the results of this review. **B. CFR Citation:** 49 CFR pt. 21 **C. Legal Authority:** 42 U.S.C. 2000d-4 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** NPRM published in the Federal Register January 19, 1981, (46 FR 5588). No further action will be taken on this NPRM pending the outcome of the priority regulatory review. Comment period closed April 20, 1981. **G. Agency Contact:** *Shirley Lloyd (202) 426-4754*	NPRM Further action to be determined.	1/19/81	46 FR 5588
Minority Business Enterprise Program (Direct Contracting).	**A. Abstract:** This regulation would implement the requirements of DOT Order 4000.7A for DOT operating elements to take affirmative action to assure that minority business enterprises participate in Departmental procurement programs. This rulemaking is significant because substantial public interest is anticipated given the proposed action's potential impact on DOT's procurement programs. It is needed to implement the provisions of the DOT Order 4000.7A by providing detailed instructions for carrying out the affirmative action requirements of the order and to supplement the 1978 amendments to the Small Business Act. **B. CFR Citation:** 49 CFR pt. 23 **C. Legal Authority:** Executive Order 11625; Executive Order 12138; 45 U.S.C. 803; P.L. 95-507. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** NPRM was published on May 17, 1979 (44 FR 28928). The comment period closed on July 16, 1979. The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule. **G. Agency Contact:** Robert C. Ashby, (202) 426-4723	NPRM To be withdrawn.	5/17/79	44 FR 28928

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

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Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Review: Minority Business Enterprise Program (Financial Assistance Programs).	**A. Abstract:** The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been very controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. As part of the Administration's program of reviewing regulations that are costly or controversial, the Department has decided that it is necessary to consider substantial revisions of the existing rule. The aim of the revisions would be to reduce regulatory burdens associated with the present rule. **B. CFR Citation:** 49 CFR pt. 23 **C. Legal Authority:** 42 U.S.C. 2000d; (Title VI of the Civil Rights Act of 1964); Title 49 U.S.C. 1730; 45 U.S.C. 906; 49 U.S.C. 1615. **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis (for NPRM). **F. Additional Information:** Final Rule published March 31, 1980 (45 FR 21172). NPRM to make interim amendment to this final rule, proposing to delete two controversial provisions, pending revision of the entire rule, published March 12, 1981 (46 FR 16282). Comment period closed March 26, 1981. Final rule for interim amendment published April 27, 1981 (46 FR 16202). *Further action to revise existing rule under consideration .* **G. Agency Contact:** Robert Ashby, (202) 426-4723	Further Action to be determined.		
Public Availabiltiy of Information.	**A. Abstract:** This involves a revision of DOT's Freedom of Information Act regulations. Specific areas to be revised may include the fee schedule and the policy on waivers of fees for public interest groups and the press. This rulemaking is significant because of substantial public interest. It is needed because the Freedom of Information Regulations need periodic revision to keep current with changes in case law, policy, and implementation costs. **B. CFR Citation:** 49 CFR pt. 7 **C. Legal Authority:** 5 U.S.C. 552 (Freedom of Information Act) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** The regulations were last revised in 1975. (40 FR 7915). A new revision is currently under internal development. **G. Agency Contact:** *Greg Wolfe (202) 426-4710*	Further action to be determined.		
Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--State Transportation Agencies' EEO Affirmative Action Programs.	**A. Abstract:** The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. This proposed regulation is significant because it would affect the equal opportunity employment programs of all State transportation agencies. It is needed because OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort. **B. CFR Citation:** 49 CFR 1.48(c), 2.49(u), 1.51(a) **C. Legal Authority:** Section 22(a) of the Federal-Aid Highway Act of 1968, as amended; Section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976; (49 U.S.C. 1615) (Section 19 of the Urban Mass Transportation Act of 1964, as amended); (29 U.S.C. 794). (Section 504 of the Rehabilitation Act of 1973). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation	Further action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

OST

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: The proposed regulation was forwarded to EEOC for review and coordination. The primary issue addressed by this proposal was raised in the course of reviewing a related regulation. Further action will be delayed pending the outcome of that review. **G. Agency Contact:** Shirley Lloyd, (202) 426-6070			
*Intergovernmental Review of Federal Programs.	**A. Abstract:** The proposed rule would implement Executive Order 12372, which replaces OMB Circular A-95 with a new system to ensure effective Federal-state-local consulation with respect to DOT programs. The rule is significant because it implements government-wide policy and will make important changes in DOT relationships with state and local governments. It is needed because the Executive Order requires all Executive agencies to issue implementing regulations. **B. CFR Citation:** 49 CFR Part 31 **C. Legal Authority:** Executive order 12372; 42 U.S.C. 4231(a), 3 U.S.C. 301, (Section 401(a) of the Intergovernmental Cooperation Act). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** The President signed Executive Order 12372 on July 14, 1982. Executive agencies, including DOT, will work with each other and OMB to draft substantively consistent implementing rules which are expected to be published in January 1983. **G. Agency Contact:** Robert C. Ashby, (202 426-4723)	NPRM	1/83	

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
Consolidation of Transportation Grants to U.S. Territories.	**A. Abstract:** The regulation would comply with Title V of Pub. L. 95-134, which permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. **B. CFR Citation:** 49 CFR pt. 29 **C. Legal Authority:** P.L. 95-134, Title V **D. Effects on Small Entities:** No **G. Agency Contact:** *Irving Glasser (202) 426-4455*	NPRM Further action to be determined.	1/8/79	44 FR 1765
Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs.	**A. Abstract:** This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. **B. CFR Citation:** None **C. Legal Authority:** P.L. 94-135, Title III **D. Effects on Small Entities:** No **G. Agency Contact:** *Ira Laster, (202) 426-4380*	NPRM Further action to be determined.	10/22/79	44 FR 60946
Real Property Appraisal and Appraisal Review Regulation.	**A. Abstract:** This regulation would prescribe requirements for the appraisal of property to be acquired pursuant to Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. **B. CFR Citation:** 49 CFR pt. 25; 23 CFR pt. 720 **C. Legal Authority:** P.L. 91-646 **D. Effects on Small Entities:** No **G. Agency Contact:** Lynne Adams-Whitaker, (202) 426-4723	NPRM	*Fall 1982*	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

OST

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Award of Fees and Expenses to Successful Litigants.	**A. Abstract:** This regulation would provide for the award of attorney fees and other expenses to parties who prevail over the Federal Government in certain administrative and court proceedings pursuant to the Equal Access to Justice Act. **B. CFR Citation:** 49 CFR pt. 6 **C. Legal Authority:** P.L. 96-481, 5 U.S.C. 504(c)(1) **D. Effects on Small Entities:** No **G. Agency Contact:** Lynne Adams-Whitaker, (202) 426-4723	Interim FR FR	10/81 *Fall 1982*	46 FR 49878
Suspension and Department of Contractors.	**A. Abstract:** This regulation would establish procedures for imposition of debarment and other sanctions against contractors when it is demonstrated that DOT funds are improperly used. **B. CFR Citation:** 49 CFR Pt. 29 **C. Legal Authority:** 49 U.S.C. 1651 et seq **D. Effects on Small Entities:** No **G. Agency Contact:** Lynn Adams-Whitaker, (202) 426-4723	NPRM	*Fall 1982*	

Reviews of Existing Regulations

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Title VI Regulation	**A. Abstract:** This regulation prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving DOT financial assistance, provides examples of prohibited practices, and establishes enforcement procedures. Because the regulation affects all DOT financial assistance programs, creates administratives burdens for DOT and its recipients, and is an old regulation that has not been extensively revised since the early 1970s, it is an appropriate subject for a priority regulatory review, which will be led by the Departmental Office of Civil Rights with the participation of other affected DOT offices. The purpose of the review will be to make recommendations for how to carry out Title VI of the Civil Rights Act of 1964 and prevent discrimination in DOT-assisted programs more efficiently and with fewer administrative burdens. **B. CFR Citation:** 49 CFR pt. 21 **C. Legal Authority:** 42 U.S.C. 2000(d) (Title VI of the Civil Rights Act of 1964). **D. Effects on Small Entities:** No **G. Agency Contact:** *Shirley Lloyd, (202) 426-4754*	Further Action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

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Completed Actions

Priority Rulemakings: Non-Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Financial Assistance to Participants in Rulemaking Proceedings (Docket No. 48).	**A. Abstract:** This proposal would permit, but not require, each agency of the Department to fund eligible members of the public for the reasonable and actual costs of preparing and presenting their views at selected agency rulemaking proceedings. This issue is significant because it concerns a matter on which there is substantial public interest and controversy and would have a significant impact on the operating administrations and the Office of the Secretary. This rule would *have* substantially increased the number of active, informed, and independent participants at many rulemaking proceedings within the Department, thereby increasing the diversity and balance of views presented to the Department, and enhancing the Department's knowledge of the interests likely to be affected by its proposed rules. **B. CFR Citation:** 49 CFR pt. 5 **C. Legal Authority:** The Department's rulemaking authority under the Department of Transportation Act, 49 U.S.C. 1651 et seq., and related statutes. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** On Jan. 13, 1977, the Department published regulations for a one-year demonstration program to provide financial assistance to certain participants in rulemaking proceedings of NHTSA. (42 FR 2863). At the same time, the Department issued an ANPRM, inviting public comments on the feasibility, wisdom, and scope of a permanent Department-wide program of financial assistance. Upon conclusion of the demonstration program, NHTSA evaluated the program and recommended that the Department establish an amended version of the program throughout the Department. On March 16, 1978, the demonstration program in NHTSA was extended until the Secretary decided whether to issue final, permanent Departmental regulations (43 FR 10918). On January 23, 1979, the regulation governing the NHTSA financial assistance demonstration program was revised to improve its administration. The Department is not in a position at this time to proceed with the issuance of an NPRM in view of the action taken by Congress, on the Department's Fiscal Year 1981 appropriations. The Department's FY 1981 Appropriations Act prohibited the funding of public participation in the Departmental rulemaking proceedings. *The Department published a final rule to rescind this regulation on July 8, 1982 (47 FR 29678). This Document also terminates a rulemaking proceeding that would have established a permanent Department-wide program of financial assistance for participants in DOT rulemaking .* **G. Agency Contact:** Sam Podberesky, (202) 426-4723	ANPRM Withdrawal	1/13/77 7/8/82	42 FR 2863 47 FR 29678

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Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Review: Construction and Equipment; Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (Docket No. 77-069).	**A. Abstract:** Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by the Intergovernmental Maritime Consultative Organization (IMCO). These amended regulations would also increase safety levels of existing ships carrying gas. This is significant because it involves a large number of existing U.S. and foreign flag ships which carry liquefied gas and because it is the subject of substantial public interest. Increased use of liquefied gases has intensified the problems associated with this product. Since this product has unique properties and dangers, a dedicated set of regulations is needed to address them. **B. CFR Citation:** 46 CFR pts. 31, 34, 38, 40, 54, 98, 154 **C. Legal Authority:** R.S. 4417(a) as amended by section 5, P.L. 95-474 (46 U.S.C. 391a); See 6(d)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)). This rulemaking also implements the Port and Tanker Safety Act of 1978. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis **F. Additional Information:** An Advance Notice of Proposed Rulemaking was published June 30, 1977 (42 FR 33353). This action was taken pursuant to the Port and Tanker Safety Act of 1978. **G. Agency Contact:** LCDR McGowan, (202) 426-2160	ANPRM NPRM	6/30/77 8/82	42 FR 33353
Damage Stability and Flooding Protection Standards for Great Lakes Bulk Dry Cargo Vessels (Docket No. CGD 80-159).	**A. Abstract:** Would require a level of subdivision for new ships which is at least equivalent to that required for Maritime Administration construction loan guarantees. Would reduce the risk of catastrophic sinking and increase the time available to utilize recently improved survival gear. This project is significant because it would initiate a significant change in policy which differs substantially from international standards. Additionally, it could result in a major price increase for an individual industry. **B. CFR Citation:** 46 CFR pts. 45 and 93 **C. Legal Authority:** 46 U.S.C. 375, (RS 4405); 46 U.S.C. 391, (R.S. 4417); 46 U.S.C. 416, (R.S. 4462). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis **F. Additional Information:** January 7, 1981, work plan approved.. **G. Agency Contact:** Mr. *Cleary* (202) 426-2187	ANPRM	8/82	

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Current and Projected Rulemakings

Priority Rulemakings: Non-Major

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Title	Summary	Timetable		
		Action	Date	Cite
Review: To implement the outstanding provisions of the International Convention for the Prevention of Pollution from Ships, 1973, and the 1978 Protocol relating thereto (MARPOL 73/78). (Docket No. CGD 75-124a).	**A. Abstract:** *This proposal would require a complete rewrite of 33 CFR and a revision of 33 CFR 155. To include the oil water separating equipment requirements for vessels, the standard discharge connections for discharge of oily residues to reception facilities and requirements for vessels other than tank vessels carrying oil in bulk. This regulation includes the significant part of docket number CGD 75-124. Substantive changes are proposed so that a NPRM is needed. It is considered significant due to past opposition to the oil-water separator requirements of 33 CFR 155.330 from the owners/operators of off shore marine service vessels, towing vessels and inland waterways vessels. The Coast Guard is considering substituting an approach that would parallel the requirements of the MARPOL 73/78 Convention and would exclude off shore marine service vessels, towing service vessels and fishing vessels of less than 400 gross tons from the proposed equipment requirements. Other than those sections, the remainder of CGD 75-124 was non-significant and was published as a final rule on January 31, 1980 (45 FR 7156). The Coast Guard is presently attempting to determine whether a significant number of small entities would be affected by this rulemaking; a Regulatory Flexibility Analysis may be required. This regulation is needed (1) to implement the 1973 international Convention for the Prevention of Pollution from Ships to 1978 Protocol relating thereto, to be effective at the time this Convention enters into force (2) to reduce the number and quantity of operational discharges of oil, and (3) to clarify existing rules.* **B. CFR Citation:** *33 CFR pt. 151; 33 CFR pt. 155* **C. Legal Authority:** *Section 311(i)(1)(C) and (D) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(i)(1)(C) and (D). The Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq) October 21, 1980.* **D. Effects on Small Entities:** *No* **E. Analysis:** *Regulatory Evaluation* **F. Additional Information:** *NPRM published June 27, 1977 (42 FR 32670). Supplemental NPRM published October 27, 1977 (42 FR 56625). Public hearings held: New Orleans, LA. 11/22/77, St. Louis, MO. 11/30/77, Wash., D.C. 11/28/77 .* **G. Agency Contact:** *LCDR Josiah, (202) 426-9573*	*NPRM*	*3/83*	
†Review: Qualifications of the Person in Charge of Oil Transfer Operations, Tankerman, Requirements (Docket No. CGD 79-116 and 79-116a).	**A. Abstract:** Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk. This is considered significant because this is the result of a Presidential initiative. This rulemaking is necessary because most pollution incidents are the result of personnel error; consequently, the minimum qualifications of persons involved in handling polluting substances should be specified. **B. CFR Citation:** 33 CFR pt. 155; 46 CFR pts. 12, 13, 30, 31, 35, 70, 90, 98, 105, 151, 153, and 157. **C. Legal Authority:** 46 U.S.C. 391a, (86 Stat. 427, as amended); 49 U.S.C. 1655(b)(1), Sec. 6(b)(1), 80 Stat. 937; 49 CFR 1.46(n)(4). **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Evaluation, Environmental Impact Statement, Inflationary Impact Statement/Regulatory Flexibility Analysis. **F. Additional Information:** Environmental Analysis and Inflationary Impact Statement completed February, 1977. NPRM published April 25, 1977 (42 FR 21190). Public hearing June, 1977. Extensive comments were received on this NPRM and it was withdrawn on April 30, 1979. NPRM published December 1980 (45 FR 83268 and 45 FR 83290). Public hearings held in January and February 1981. **G. Agency Contact:** LCDR *Vollbrecht,* (202) 426-2251	NPRM Public Hearings ... FR	12/80 1-2/81 12/83	45 FR 83268 45 FR 83290

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Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
†Review: Licensing of Pilots (Docket No. CGD 77-084).	**A. Abstract:** This proposal would require: recency of service for each route upon which a pilot is authorized to serve; licenses to be issued with tonnage limitations commensurate with pilot experience; and consideration of shiphandling simulator training for pilots of very large vessels including Very Large Crude Carriers (VLCC). It is considered significant because there is substantial interest among marine personnel about this matter and because opposition is expected from Federal pilots. It is needed because increased ship size has led to unusual handling characteristics with which some pilots may not be familiar. This rule would allow use of simulator training for these kinds of vessels. **B. CFR Citation:** 46 CFR pt. 10 **C. Legal Authority:** 46 U.S.C. 214, 224, 230, 233, 237; 49 U.S.C. 1655(b)(1). **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **F. Additional Information:** A Regulatory Analysis and Work Plan were completed in October 1978. NPRM published November 28, 1980 (45 FR 79258). Public hearings were held in January and February 1981. Revisions to the NPRM are planned as a result of the hearings. **G. Agency Contact:** Mr. J. Hartke, (202) 755-8683	NPRM Public Hearings SNPRM	11/28/82 1-2/81 11/82	45 FR 79258
*Segregated Ballast, Dedicated Clean Ballast, and Crude Oil Washing on Tank Vessels of 20,000 to 40,000 Deadweight Tons. (Docket No. CGD 82-028).	**A. Abstract:** This project would amend 33 CFR for the purpose of implementing the tanker construction and equipment standards in Sections (7)(E) and (H) of R.S. 4417a, as amended by the Port and Tanker Safety Act of 1978. These statutes require tank vessels of 20,000 to 40,000 DWT that are 15 years old or older to have segregated ballast tanks, dedicated clean ballast tanks or a crude oil washing system by January 1, 1986 or the date they reach 15 years of age. This rulemaking is considered significant because of economic impact on industry, Congressional and Administration interest. It is needed because implementing standards mandated by the Port and Tanker Safety Act, will reduce operational pollution from ballasting, tank cleaning and sludge removal on existing tank vessels that are 15 years old or older. **B. CFR Citation:** 33 CFR pt. 157 **C. Legal Authority:** 46 U.S.C. 391a as amended by the Port and Tanker Safety Act of 1978 (92 Stat. 1486), R.S. 4417a. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis, Environmental Impact Statement. **F. Additional Information:** The Port and Tanker Safety Act was enacted on October 17, 1978. Final Regulations implementing this legislation for new tank vessels were published on June 30, 1980. A Notice of Intent to develop regulations under this Docket was published in the Federal Register on March 18, 1982. (47 FR 11724). Comment period on notice of intent closed May 3, 1982. Work Plan was approved at April 1982 Marine Safety Council Meeting. Regulatory Impact Analysis has been drafted and is in clearance. **G. Agency Contact:** LCDR Spackman, (202) 426-4431	Notice of intent NPRM	3/18/82 11/82	47 FR 11724

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Current and Projected Rulemakings

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Title	Summary	Timetable		
		Action	Date	Cite
Vessel Traffic Service (VTS), Berwick Bay, La. (Docket 73-186).	**A. Abstract:** Would codify certain operating procedures now being done under local order. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 USC 1231 **D. Effects on Small Entities:** No **G. Agency Contact:** *Mr. E. LaRue,* (202) 426-5116	NPRM FR	8/16/82 10/82	47 FR 35523
VTS Houston-Galveston, Texas (Docket No. CGD 74-029).	**A. Abstract:** Would make mandatory a now voluntary vessel traffic service. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 U.S.C. 1223 **D. Effects on Small Entities:** No **G. Agency Contact:** *Mr. E. LaRue,* (202) 426-5116	NPRM FR	9/18/80 8/83	45 FR 62158
Review: Fixed Fire Extinguishing Systems on Uninspected Vessels (Docket No. CGD 74-284).	**A. Abstract:** Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. **B. CFR Citation:** 46 CFR 162.029 **C. Legal Authority:** 46 U.S.C. 526, 46 U.S.C. 1454, 49 U.S.C. 1655(b). **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. K. Wahle, (202) 426-1444	NPRM Further action to be determined.	4/19/82	47 FR 16648
†Review: Stability Standards for Towing and Offsore Vessel Hull Forms (Docket No. CGD 76-018).	**A. Abstract:** Would establish intact stability standards for both towing and free-route modes of subject vessels. **B. CFR Citation:** 46 CFR pt. 42 **C. Legal Authority:** 46 U.S.C. 86, 88, 375, 416 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Mr. F. Perrini, (202) 426-2187	ANPRM To be withdrawn.	4/12/76	41 FR 15349
Review: Subdivision and Stability of Passenger Vessels (Docket No. CGD 76-053).	**A. Abstract:** Proposes more flexible regulations by allowing alternate compliance with Intergovernmental Maritime Consultative Organization as an alternative to existing requirements. **B. CFR Citation:** 46 CFR pts. 73, 74 **C. Legal Authority:** 46 U.S.C. 391, 392, 404, 481, 482, 483, 395, 363, 88a, 369, 367, 1333, 3906, 44 USC 88a. **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. Howell, (202) 426-2187	NPRM FR	8/20/81 *9/82*	46 FR 42300
Review: Stability Standards for Hopper Dredges (Docket No. CGD 76-080).	**A. Abstract:** Would improve capability of a dredge to withstand flooding caused by damage to hull or interior piping. **B. CFR Citation:** 46 CFR pt. 93 **C. Legal Authority:** 46 USC 88, 46 USC 362, 46 USC 367 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. W. Cleary, (202) 426-2187	NPRM FR	12/10/79	44 FR 70791 FR
Cargo Monitors on Tank Vessels (Docket No. CGD 76-088b).	**A. Abstract:** Proposed requirements for installation and use of cargo monitors. **B. CFR Citation:** 33 CFR pt. 157 **C. Legal Authority:** 33 USC 1903, 46 USC 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Cool, (202) 426-4431	NPRM SNPRM	6/27/77 *8/82*	42 FR 32684
Review: Casualty Reporting (Docket No. CGD 76-170).	**A. Abstract:** Would update the regulation by changing the monetary and other damage criteria. As a result of numerous comments, a revised NPRM was published. **B. CFR Citation:** 46 CFR pt 4.05 **C. Legal Authority:** 46 U.S.C. 239 **D. Effects on Small Entities:** No	NPRM Corrected NPRM. NPRM Interim FR Extension of Comment period to 1/1/82. FR	10/19/78 10/23/78 12/3/79 11/24/80 10/8/81 10/82	43 FR 48982 43 FR 49316 44 FR 69308 45 FR 77439 46 FR 49877
Review: Radar Observer Endorsement for Personnel (Docket No. CGD 76-193a).	**A. Abstract:** Would require specialized training in use of radar equipment. **B. CFR Citation:** 48 CFR pt. 10 **C. Legal Authority:** 46 U.S.C. 416, 214, 224, 224a, 225a, 226, 228, 229, 230, 375, 231, 233, 237, 367. **D. Effects on Small Entities:** No	NPRM FR	11/6/80 *9/82*	45 FR 73716

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	G. Agency Contact: CDR Arnet, (202) 426-2251			
Review: Shipboard Fumigation Standards (Docket No. CGD 76-206).	**A. Abstract:** Proposed operational requirements for fumigation procedures on vessels. **B. CFR Citation:** 46 CFR pt. 147a **C. Legal Authority:** 49 U.S.C. 170 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. McAnulty, (202) 426-1577	NPRM	2/83	
Requirement for First Purchaser List Kept by Boat Dealers (Docket No. CGD 77-115).	**A. Abstract:** Would require boat dealers to assist in creating a list of retail purchasers so manufacturers could send notice to alert of safety defects. **B. CFR Citation:** 33 CFR pt. 179 **C. Legal Authority:** 46 U.S.C. 1464 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Ellison, (202) 426-1065	NPRM Further action to be determined.	12/29/80	45 FR 85475
Review: Miscellaneous Changes to 46 CFR 56 (Docket No. CGD 77-140).	**A. Abstract:** Would update Title 46, Subchapter F - Marine Engineering. **B. CFR Citation:** 46 CFR pt. 56 **C. Legal Authority:** 46 U.S.C. 375, 416, 633, 391, 391(a), 392, 404-409, 411, 412, 481, 489, 366, 395, 363, 367, 526p, 1295f, 390b; 49 U.S.C. 1655(b); E.O. 11239, 11382; 49 C.F.R. 146(b). **D. Effects on Small Entities:** No **G. Agency Contact:** LT(jg) Jackson, (202) 426-2160	NPRM	8/82	
Revision of Navigation Safety Regulations (Docket No. CGD 77-196).	**A. Abstract:** Would list those areas where the special operating rules in 33 CFR 164.15 would apply. **B. CFR Citation:** 33 CFR pt. 164 **C. Legal Authority:** 46 U.S.C. 375, 391a, 404, 411, 416 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. T. Falvey, (202) 426-5116	NPRM Further action to be determined.	4/16/79	44 FR 22686
Lifesaving Systems for Great Lakes Vessels (Docket No. CGD 77-202).	**A. Abstract:** Would amend regulations for lifeboats and other equipment to improve chances of personnel survival following abandonment of vessel. **B. CFR Citation:** 46 CFR Subchapters D, H, I, T, and Q **C. Legal Authority:** 46 U.S.C. 375, 391a, 416, 481 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Markie, (202) 426-1445	NPRM	2/83	
Review: Second Class Operator for Towing Vessels (Docket No. CGD 77-204).	**A. Abstract:** Would allow able seaman service on ocean going vessels to be credited toward second class towboat license. **B. CFR Citation:** 46 CFR pt. 10 **C. Legal Authority:** 46 U.S.C. 405b, 49 U.S.C. 1655b **D. Effects on Small Entities:** No **G. Agency Contact:** CDR Struck, (202) 426-2240	NPRM To be withdrawn.	5/25/78	43 FR 22653
*Reception Facilities (Docket No. CGD 78-035).	**A. Abstract:** Would require certain oil transfer facilities to ensure reception facilities are provided to receive vessel waste. **B. CFR Citation:** 33 CFR pt. 154 **C. Legal Authority:** 33 U.S.C. 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gregory, (202) 755-1354	NPRM	1/83	
†Liquefied Natural Gas Waterfront Facility (Docket No. CGD 78-038).	**A. Abstract:** Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Materials Transportation Bureau, RSPA. **B. CFR Citation:** 33 CFR pt. 126 **C. Legal Authority:** 50 U.S.C. 191, 33 U.S.C. 1224 **D. Effects on Small Entities:** Yes **G. Agency Contact:** LCDR Gregory, (202) 755-1354	ANPRM SANPRM NPRM	8/3/78 3/6/79 1/83	43 FR 34362 44 FR 12693
Review: St. Mary's River, Vessel Traffic Service (Docket No. CGD 78-079).	**A. Abstract:** Would revise and restate existing anchorage and navigation regulations for St. Mary's River, re-promulgating them under the authority of the Ports and Waterways Safety Act. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 U.S.C. 1231 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. E. LaRue, (202) 426-5116	NPRM Extension of comment period to 5/15/81. FR	15/81 2/19/81 10/82	46 FR 946 46 FR 12987

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Aluminum Hatch Covers Aboard Tank Ships (Docket No. CGD 78-121).	**A. Abstract:** Would prohibit aluminum hatch covers on tank ships, because they can melt down in shipboard fires. **B. CFR Citation:** 46 CFR 32.60-1 **C. Legal Authority:** 46 U.S.C. 391a, 49 U.S.C. 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Eberly, (202) 426-2197	NPRM *To be withdrawn.*	10/27/80	45 FR 70918
Inland Waters Navigation Regulations - Waters Connecting Lake Huron and Lake Erie (Docket No. CGD 78-151).	**A. Abstract:** Would modernize existing regulations **B. CFR Citation:** 33 CFR pt. 162 **C. Legal Authority:** 33 U.S.C. 1221-32 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. LaRue, (202) 426-5116	NPRM FR	4/82 10/82	
Review: Mandatory Marking of Obstructions (Docket No. CGD 78-156).	**A. Abstract:** Would clarify and consolidate the requirements for marking of obstructions. **B. CFR Citation:** 33 CFR pt. 64 **C. Legal Authority:** 14 U.S.C. 2, 81, 85, 86, 92, 633; 33 U.S.C. 403, 409; 42 U.S.C. 9118; 43 U.S.C. 1333. **D. Effects on Small Entities:** No **G. Agency Contact:** LT Johnson, (202) 426-1974	NPRM FR	11/19/81 11/82	46 FR 56829
Review: Private Aids to Navigation and State Aids to Navigation (Docket No. CGD 78-157).	**A. Abstract:** Would codify and clarify the aids to navigation regulations concerning State and private aids to navigation. **B. CFR Citation:** 33 CFR pt. 66 **C. Legal Authority:** 14 U.S.C. 2, 83, 85; 5 U.S.C. 610 **D. Effects on Small Entities:** No **G. Agency Contact:** ENS Bittner, (202) 426-1974	Further action to be determined.		
Review: Aids to Navigation - General Interference with, Damages to and Charges for Aids to Navigation (Docket No. CGD 78-159).	**A. Abstract:** Would codify, revise and clarify the existing regulations. **B. CFR Citation:** 33 CFR pts. 60, 62, 66, 70; 74, and 76 **C. Legal Authority:** 14 U.S.C. 81, 87, 92 **D. Effects on Small Entities:** No **G. Agency Contact:** ENS Bittner, (202) 426-1973	Further action to be determined.		
Approval of Inflatable Personal Flotation Devices (PFDs) (Docket No. CGD 78-174).	**A. Abstract:** Would establish performance standards for inflatable PFDs and procedures for granting product approval to these devices. **B. CFR Citation:** 46 CFR pt. 160 **C. Legal Authority:** 46 U.S.C. 481, 526e, 1454, 1455; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)(n)(1). **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. S. Wehr, (202) 426-1444	ANPRM NPRM	3/15/79 4/83	
Offshore Oil Lightering (Docket No. CGD 78-180).	**A. Abstract:** Would establish requirements for vessel to vessel transfers of oil or hazardous materials if the cargo is bound for a U.S. port. **B. CFR Citation:** 33 CFR pt. 156 **C. Legal Authority:** 33 U.S.C. 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Hendrickson, (202) 426-9578	NPRM SNPRM	5/31/79 10/82	44 FR 31486
Review: Amendment to Hull Identification Requirements (Docket No. CGD 79-013).	**A. Abstract:** Would further delineate responsibility for marking boats with a hull identification number. Would require a second number inside the boat to aid in identification of stolen boats. **B. CFR Citation:** 33 CFR pt. 181 **C. Legal Authority:** 46 U.S.C. 1454, 1456, 1464, 1488 **D. Effects on Small Entities:** No **G. Agency Contact:** *LCDR Perkins,* (202) 426-1065	NPRM SNPRM	12/29/80 10/82	45 FR 85476
Review: Stability Subchapter (Docket No. CGD 79-023).	**A. Abstract:** Would bring together all the existing stability regulations and identifiable past practices into a single subchapter including a part pertaining to the carriage of passengers and separate parts pertaining to cargoes, vessel use, and special types. **B. CFR Citation:** 46 CFR pts. 170-174 **C. Legal Authority:** 46 U.S.C. 86, 78a, 369, 375, 390b, 391a, 404, 416, 1295(f); 43 U.S.C. 1333,; 50 U.S.C. 198; 49 U.S.C. 1655. **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Feeney, (202) 426-2167	NPRM	10/82	

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Port and Tanker Safety Act Delegations Under Section 9, Ports and Waterways Safety Act (Docket No. CGD 79-026).	**A. Abstract:** Would delegate to Captains of the Port authority and responsibility to prohibit vessel operations and cargo transfers which may be unsafe. **B. CFR Citation:** 33 CFR pt. 160 **C. Legal Authority:** 33 U.S.C. 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** *ENS Strobridge, (202) 426-5111*	NPRM SNPRM FR	12/3/79 6/11/81 10/82	44 FR 69306 46 FR 30835
Crane Operator Qualifications and Standards for Offshore Crane Design Inspection, Testing and Operation (Docket No. CGD 79-059).	**A. Abstract:** Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing. **B. CFR Citation:** 33 CFR pt. 146 and 46 CFR pt. 92 **C. Legal Authority:** 43 U.S.C. 1333, 1348, 1356; 33 U.S.C. 1509; 46 U.S.C. 375, 395, 400, 407, 408, 411, 412, 416, 481; 49 U.S.C. 1655. **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Barr, (202) 472-5160	ANPRM NPRM	1/10/80 10/82	45 FR 2052
†Personnel Job Safety Requirements for Fixed Installations on the Outer Continental Shelf (Docket No. CGD 79-077).	**A. Abstract:** This regulation would develop personnel safety and health requirements for artificial island, fixed installations and other devices on the Outer Continental Shelf. **B. CFR Citation:** 33 CFR Subchapter No. 46 CFR Subchapter 1A and V. **C. Legal Authority:** 43 U.S.C. 1333 **D. Effects on Small Entities:** Yes **G. Agency Contact:** LT Cashman, (202) 471-5150	Notice of Meeting. Correction NPRM	3/5/81 3/19/81 10/82	46 FR 15402 46 FR 17702
Vessel Personnel Licensing and Certification Standards of Foreign Countries (Docket No. CGD 79-081(a)).	**A. Abstract:** Establishes procedures for verification of training, qualification and watchkeeping standards of personnel serving on foreign tank vessels. **B. CFR Citation:** 46 CFR pt. 30 **C. Legal Authority:** 46 U.S.C. 391a, 49 USC 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** CDR D. Struck, (202) 426-2240	Interim final rule	4/7/80	45 FR 23425
Foreign Tank Vessel Manning Levels (Docket No. CGD 79-081(b)).	**A. Abstract:** Would establish minimum manning levels for foreign tank vessels while operating on U.S. navigable waters. **B. CFR Citation:** (46 CFR 30) **C. Legal Authority:** 46 U.S.C. 391a, 49 U.S.C. 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** CDR D. Struck, (202) 426-2240	NPRM SNPRM	11/17/80 12/82	45 FR 75712
U.S. Coast Guard Reserve (Docket No. CGD 79-105).	**A. Abstract:** Would update the administrative regulations pertaining to the Coast Guard Reserve. **B. CFR Citation:** 33 CFR pts. 8, 53 **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Cotter, (202) 426-2348	Further action to be determined.		
Joint U.S. Canada Vessel Traffic Management regulations for the Pacific region (Docket No. CGD 79-131).	**A. Abstract:** Would implement the provisions of an Agreement for a Cooperative Vessel Traffic Management System for the Pacific Region. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 USC 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. A. Whittom, (202) 426-1940	NPRM FR	 1/83	
Review: Load Line Equivalent Regulations (Docket No. CGD 79-153).	**A. Abstract:** Would rearrange existing regulations in 46 CFR pt. 42, Load Line, to comply with International Maritime Consultative Organization Resolution A.320(IX). **B. CFR Citation:** 46 CFR pt. 42 **C. Legal Authority:** 46 U.S.C. 86, 88; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b). **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. W. Cleary, (202) 426-2187	NPRM SNPRM	2/4/82 10/82	47 FR 5266
Deepwater Port Liability Fund Requirements. (Docket No. CGD 79-158).	**A. Abstract:** Would implement provisions of the Deepwater Port Act of 1974 to establish and administer liability limits and compensation relative to accidental oil spills at deep water port sites.	NPRM Interim FR FR	10/2/80 6/24/82 10/82	45 FR 67708 47 FR 27478

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 33 CFR pts. 137.150 **C. Legal Authority:** 33 U.S.C. 1509. 33 U.S.C. 1517 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Martin, (202) 472-5052			
Modification to Line Throwing Device Requirements (Docket No. CGD 79-160).	**A. Abstract:** Would modify the regulation requiring a linethrowing device only in cargo vessels over 500 gross tons and passenger vessels on international voyages. **B. CFR Citation:** 46 CFR pts. 33, 75, 78, 94, 97, 108, 160, 167, 192, 196. **C. Legal Authority:** 46 U.S.C. 481 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Gold, (202) 426-2183	NPRM FR	12/11/80 10/82	45 FR 81616
Use of Dangerous Articles as Ship's Stores (Docket No. CGD 79-166).	**A. Abstract:** Would establish acceptance, handling, and use of dangerous articles as products approved for use onboard vessels. **B. CFR Citation:** 46 CFR pt. 147 **C. Legal Authority:** 46 U.S.C. 170 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. McAnulty, (202) 426-1577	ANPRM	12/82	
Review: Painters for Life Floats and Buoyant Apparatus (Docket No. CGD 79-167).	**A. Abstract:** Would require life floats and buoyant apparatus to have painters that are secured to the vessel. **B. CFR Citation:** 46 CFR pts. 33, 75, 94, 160, 180, 192 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Markle, (202) 426-1444	NPRM FR	10/8/81 10/82	15 FR 49914
Launching Devices for Liferafts (Docket No. CGD 79-168).	**A. Abstract:** Proposed specification for approval of devices used for launching inflatable liferafts. **B. CFR Citation:** 46 CFR pts. 160 and 163 **C. Legal Authority:** 46 U.S.C. 375, 390, 416, 481, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** LT(jg) Girton, (202) 426-1445	NPRM	2/83	
Disclosure of Safert Standards and Country of Registry (Docket No. CGD 79-180).	**A. Abstract:** Would update 46 CFR 80.10 in compliance with 46 U.S.C. 362(b). **B. CFR Citation:** 46 CFR 80.10 **C. Legal Authority:** 46 USC 362, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** CDR Deleonardis, (202) 426-2183	NPRM FR	8/2/82 1/82	47 FR 33284
Tank Vessels, Corrections and Clarifications to Title 33 CFR (Docket No. CGD 80-09).	**A. Abstract:** Would eliminate conflicting requirements in Titles 46 and 33 CFR for minimum bolts per flange on transfer connections, fixed piping. In addition it would eliminate confusion in tank barge security and smoking regulations. **B. CFR Citation:** 46 CFR **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LT Murray, (202) 426-2183	NPRM	9/82	
Emergency Position Indicating Radiobeacons (EPIRB) (Docket No. 80-24).	**A. Abstract:** Would require use of EPIRB's on vessels operating on the Great Lakes. **B. CFR Citation:** 46 CFR pt.; 33, 35, 75, 78, 94, 97, 160, 161, 167, 180, 185, 192. **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Markle, (202) 426-1444	NPRM	9/82	
Valve Inspection for Thermal Fluid Heaters (Docket No. 80-64).	**A. Abstract:** Would clarify the inspection standards for valves on thermal heaters. **B. CFR Citation:** 46 CFR pt. 61 **C. Legal Authority:** 46 U.S.C. 375, 391a, 416, 526a, 1333; 49 U.S.C. 1655(b), E.O. 11239; 14 U.S.C. 633. **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Strasser, (202) 426-2183	NPRM	10/82	
Inflatable Liferaft Stability (Docket No. CGD 80-113).	**A. Abstract:** Would provide specific rules for function, size, and placement of stability appendages. **B. CFR Citation:** 46 CFR pt. 160 **C. Legal Authority:** 46 U.S.C. 375 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. M. Daniels, (202) 426-1445	ANPRM NPRM	6/29/81 11/82	46 FR 33341

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Title	Summary	Timetable		
		Action	Date	Cite
Proposed Changes to Puget Sound VTS Rules (Docket No. CGD 80-119).	**A. Abstract:** Would solicit public comment on determining appropriate means to reduce conflicts between various areas of Puget Sound and adjacent waterways. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 U.S.C. 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. A. Whittum, (202) 426-1940	ANPRM NPRM	4/14/81 1/83	46 FR 22207
Vessel Navigational Visibility (Docket No. CGD 80-134).	**A. Abstract:** Would identify constraints on operation and recommend effective procedures to eliminate or reduce inadequate bridge visibility. **B. CFR Citation:** 46 CFR Ch. 1 **C. Legal Authority:** 46 U.S.C. 369, 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Henry, (202) 426-2197	ANPRM *To be withdrawn*	5/11/81	46 FR 26086
Maneuvering Performance Regulations (Docket No. CGD 80-136).	**A. Abstract:** Would establish performance standards for new tank vessels; and possibly all vessels in response to mandates in Port and Tanker Safety Act. **B. CFR Citation:** 46 CFR Ch. 1 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. P. Cojeen, (202) 426-2197	ANPRM NPRM	9/14/81 10/82	46 FR 45631
Colregs Demarcation Lines - Savannah River, GA. Amelia Island, FLA (Docket 80-142).	**A. Abstract:** Would move the Colregs lines along the coast of Georgia to coincide with the Georgia Dept. of Natural Resources fishing lines. **B. CFR Citation:** 33 CFR pt. 80 **C. Legal Authority:** 33 U.S.C. 151 **D. Effects on Small Entities:** No **G. Agency Contact:** *LCDR Kirpatrick,* (202) 426-5116	NPRM FR	7/27/81 12/82	46 FR 38378
Material Standards for Fixed Structures (CGD 80-160).	**A. Abstract:** Description: Would revise and update 33 CFR, Subchapter N, including lifesaving and firefighting equipment. **B. CFR Citation:** 33 CFR Subch. N **C. Legal Authority:** 43 U.S.C. 1331 **D. Effects on Small Entities:** No **G. Agency Contact:** Lt. Cashman, (202) 426–5160 472-5160	Further action to be determined.		
Ocean Thermal Energy Conversion (OTEC) Facility and Plantship Requirement (Docket 80-161).	**A. Abstract:** Would establish minimal rules mandated under the OTEC Act for marine environmental protection and safety of life and property at sea. **B. CFR Citation:** 33 and 46 CFR **C. Legal Authority:** 42 U.S.C. 9118, 9119(c), 9127, 9153(a)(b) **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Martin, (202) 472-5052	NPRM FR	10/5/81 8/82	46 FR 49078
Servicing Inflatable Liferafts (Docket 81-010).	**A. Abstract:** Would allow liferaft servicing in U.S. and foreign ports without Coast Guard Marine inspectors. **B. CFR Citation:** 46 CFR pt. 160 **C. Legal Authority:** 46 U.S.C. 367, 375, 3906, 391a, 416, 489, 1333; 50 U.S.C. 198. **D. Effects on Small Entities:** No **G. Agency Contact:** LT(jg) Delikat, (202) 426-1445	NPRM	10/82	
*Personal Flotation Devices (Docket No. CGD 81-023).	**A. Abstract:** Revokes an obsolete provision & makes several editorial changes . **B. CFR Citation:** 33 CFR pt. 175 and 181 **C. Legal Authority:** 46 U.S.C. 1454, 1488; 49 CFR 1.46(n)(1) **D. Effects on Small Entities:** No **G. Agency Contact:** *Mr. W. Sobeck, (202) 426-4176*	NPRM *FR*	4/12/82 10/82	47 FR 15606
Automated Main and Auxiliary Machinery (Docket 81-030).	**A. Abstract:** Would implement the provisions for periodically unattended machinery spaces in the "Recommendation Concerning Regulations for Machinery and Electrical Installations on Cargo and Passenger Vessels" adopted by IMCO and the guidance on system design in Coast Guard Navigation and Inspection Circular on Automated Main and Auxiliary Machinery. **B. CFR Citation:** 46 CFR pt. 160 **C. Legal Authority:** 46 U.S.C. 375, 391, 391(a), 392 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Miante, (202) 426-2160	NPRM	6/83	

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Title	Summary	Timetable		
		Action	Date	Cite
Charge for Coast Guard's aid to navigation work (Docket 81-051).	**A. Abstract:** Would delete the buoy and vessel costs currently listed in 33 CFR 74 and direct the owner to contact the Coast Guard for a list of reimbursable service charges. **B. CFR Citation:** 33 CFR pt. 74 **C. Legal Authority:** 14 U.S.C. 81, 85, 86, 92, 93, 141, 633, 642, 647. **D. Effects on Small Entities:** No **G. Agency Contact:** LTJG Gan, (202) 426-1974	NPRM FR	10/82 12/82	
General Bridge Permit Regulations (Docket 81-057).	**A. Abstract:** Would establish rules for issuing general bridge permits. **B. CFR Citation:** 33 CFR pt. 115 **C. Legal Authority:** 33 U.S.C. 401 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. Schwartz, (202) 755-7620	NPRM	8/82	
Safety Rules for self-propelled vessels carrying hazardous liquids and bulk liquefied gases (CGD 81-052).	**A. Abstract:** Would revise application and examination procedures for new foreign vessels carrying chemicals and liquefied gases in bulk. Eliminates requirement for these vessels to obtain a Letter of Compliance (LOC). **B. CFR Citation:** 46 CFR **C. Legal Authority:** 46 USC 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR W. S. Jones, 426-1217	NPRM FR	5/10/82 2/83	47 FR 20084
Relocation of Boundary Lines (CGD 81-058)..	**A. Abstract:** Would relocate boundary lines in Part 46 CFR Part 7 in Accordance with PL-324. **B. CFR Citation:** 46 CFR pt. 7 **C. Legal Authority:** 33 U.S.C. 151 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR B. Turlo, (202) 426-1464	NPRM FR	6/7/82 12/82	47 FR 24604
Licensing of Officers and Motorboat Operators and Registration of Staff Officers (Docket CGD 81-059).	**A. Abstract:** Would amend the licensing regulations to simplify administration and improve readability to public. Also to provide a license structure for all mariners with which to advance in an orderly career pattern. Will also delete many unnecessary and outdated licenses. **B. CFR Citation:** 46 CFR pt. 10 **C. Legal Authority:** 46 U.S.C. 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230, 231, 233, 244. **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Naccara, 426-6259	NPRM	9/82	
Regulated Navigation Area Ice Season, COTP Baltimore Zone (Docket No. CGD 81-067).	**A. Abstract:** Would establish a Regulated Navigation Area in the Baltimore MD COTP Zone during the ice season. **B. CFR Citation:** 33 CFR pt. 128 **C. Legal Authority:** 33 U.S.C. 1231 **D. Effects on Small Entities:** No **G. Agency Contact:** *Ens. Stobridge,* (202) 426-4958	FR	12/82	
Update of 46 CFR part 153 (CGD No. 81-078).	**A. Abstract:** Would revise and update 46 CFR part 153 through the ninth set of amendments to the IMCO Chemical Code. **B. CFR Citation:** 46 CFR pt. 153 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR J.W. Gormanson, 426-1217	NPRM	8/82	
Acceptance of ASME Boilers with ASME S,E,A, and H stamps (Docket No CGD 81-079).	**A. Abstract:** Would delete requirement that Coast Guard review plans and inspect power and heating boilers when stamped with ASME S,E,A, or H symbol stamps. **B. CFR Citation:** 46 CFR pts. 52 and 53 **C. Legal Authority:** 46 U.S.C. 375, 416, 391, 391(a), 392 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. D. Lemon, 426-2160	NPRM	7/83	
Fairways, Fairway Anchorages and Traffic Separation Scheme at harbor entrances in the Gulf of Mexico (Docket No. CGD 81-080).	**A. Abstract:** Would establish fairways, fairway anchorages and a Traffic Separation Scheme in the Gulf of Mexico implementing the result of a Port Access Route Study. **B. CFR Citation:** 33 CFR pt. 162 **C. Legal Authority:** 33 U.S.C. 1223 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Young, (202) 245-0108	NPRM FR	6/17/82 12/82	47 FR 26167

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Title	Summary	Timetable		
		Action	Date	Cite
Electronic Position Fixing Devices (Docket No. CGD 81-081).	**A. Abstract:** Would allow the use of satellite navigation receivers without a continually tracking complementary system to meet the requirements for carriage of an electronic position fixing device on vessels 1600 gross tons and more entering U.S. waters. **B. CFR Citation:** 33 CFR pt. 164 **C. Legal Authority:** 33 U.S.C. 1223 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. T. Falvey, (202) 426-4958	FR (Pt. I) FR (Pt. II)	2/11/82 11/82	47 FR 6289
General revision of 46 CFR 151, Barges carrying certain bulk dangerous cargoes. (CGD No. 81-082).	**A. Abstract:** Would revise the rules for barges carrying bulk cargoes *by clarifying the language, eliminating unnecessary requirements and upgrading some existing requirements.* **B. CFR Citation:** 46 CFR pt. 151 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** R. M. Query, 426-1217	NPRM	12/83	
Change references in various Subchapters from Solas 74 and Update Lifesaving and Fire Fighting Requirements (CGD 81-090).	**A. Abstract:** Would incorporate changes required by Solas 74 **B. CFR Citation:** 46 CFR Ch. 1 **C. Legal Authority:** E.O. 12234 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Gold, 426-2183	NPRM	12/82	
Miscellaneous Amendments to Electrical and Fuel System Regulations for Recreational Boats. (CGD No. 81-092).	**A. Abstract:** Would revoke unnecessary electrical and fuel system regulations. **B. CFR Citation:** 33 CFR pt. 1830 **C. Legal Authority:** 46 U.S.C. 1454 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. A. Colihan, (202) 426-4027	NPRM	8/82	
Implementation of Annex II of the International Convention for the Prevention of Pollution from Ships, 1973 (CGD No. 81-101).	**A. Abstract:** Would limit and restrict the discharge of noxious liquid substances made by chemical tankers. **B. CFR Citation:** 33 CFR pt. 157 **C. Legal Authority:** P.L. 96-478 **D. Effects on Small Entities:** No **G. Agency Contact:** F. Wybenga, 426-1217	ANPRM	12/82	
Fairways on the Southern Coast of Alaska (Docket No. CGD 81-103).	**A. Abstract:** Would establish fairways on the southern coast of Alaska implementing the result of a Port Access Route Study. **B. CFR Citation:** 33 CFR pt. 162 **C. Legal Authority:** 33 U.S.C. 1223 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Young, (202) 426-5116	NPRM	6/82	
*Fees for Numbering of Undocumented Vessels (Docket No. CGD 82-001).	**A. Abstract:** Would raise fees for the numbering of undocumented vessels in areas where Coast Guard is the issuing authority. **B. CFR Citation:** 33 CFR pt. 173 **C. Legal Authority:** 46 U.S.C. 1472 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. W. Sobeck, (202) 426-4176	NPRM	11/82	
*Suspension and Revocation Proceedings (CGD 82-002).	**A. Abstract:** Revise and Amend 46 CFR Part 5 to (1) incorporate changes due to recent legislative actions (2) improve clarity and conciseness (3) make substantive procedural changes. **B. CFR Citation:** 46 CFR pt. 5 **C. Legal Authority:** 46 U.S.C. 239 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Feeney, (202) 426-2187	NPRM	10/82	
*OSV Subchapter (Docket No. CGD 82-004).	**A. Abstract:** Create new 46 CFR subchapter governing Offshore Supply Vessels. **B. CFR Citation:** 46 CFR **C. Legal Authority:** Pub. L. 96-378 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR T. E. Hart, (202) 426-6251	ANPRM	8/82	
*Subchapter "D" & "O" Barges - Internal Inspections (CGD 82-005).	**A. Abstract:** Change Subchapter "O" Regulation on Internal Inspection to coincide with d/d. **B. CFR Citation:** 46 CFR pt. 151 **C. Legal Authority:** 46 USC 170	NPRM	10/82	

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		Action	Date	Cite
	D. Effects on Small Entities: No **G. Agency Contact:** LCDR Strasser, (202) 426-2183			
*Issuance of Bridge Permits (Docket No. 82-006).	**A. Abstract:** Would revise the rules for issuing bridge permits to simplify procedures. **B. CFR Citation:** 33 CFR 114, 115 **C. Legal Authority:** 33 U.S.C. 401, 491, 499, 521, 525, 535 **G. Agency Contact:** Mr. A Meschter, (202) 426-1380	NRPM	10/82	
Subchapter "D" & "O" Barges-Internal Inspections (CGD 82-007).	**A. Abstract:** Would change subchapter "O" Regulation on Internal Inspection to coincide with Drydocking. **B. CFR Citation:** 46 CFR pt. 151 **C. Legal Authority** 33 U.S.C. 1223 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Strasser, 426-2183	NPRM	10/82	
*Change of Address and Mail Routing Symbols (Docket No. CGD 82-007).	**A. Abstract:** Would amend numerous addresses contained within CFR to reflect reorganization of the Office of Boating, Public, and Consumer Affairs. **B. CFR Citation:** 33 CFR pts. 173-183 **C. Legal Authority:** 46 U.S.C. 1451 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Franseen (202) 426-1080	FR	10/82	
*Casualty Reporting Requirements for Recreational Boats (Docket No. CGD 82-015).	**A. Abstract:** Amend casualty and accident reporting requirements for operators of recreational boats involved in boating accidents. **B. CFR Citation:** 33 CFR pt. 173 and 174 **C. Legal Authority:** 46 U.S.C. 1486 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. W. Sobeck, (202) 426-4176	NPRM	10/82	
*Closing Documentation Offices (Docket No. 82-018).	**A. Abstract:** Would close various documentation offices **B. CFR Citation:** 46 CFR Pt. 66 **C. Legal Authority:** None **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR DeWitt, (202) 426-1483	FR	12/82	
*Barge Fleeting (Docket No. 82-020).	**A. Abstract:** Would require towboats to guard channel 67 in lieu of channel 13. **B. CFR Citation:** 33 CFR pt. 128 **C. Legal Authority:** 33 U.S.C. 1225 **D. Effects on Small Entities:** No **G. Agency Contact:** ENS Strobridge, (202) 426-4958	FR	10/82	
*Casualty Reporting Requirements (CGD 82-023).	**A. Abstract:** Amends 46 CFR Parts 4, 26, 35, 78, 97, 109, 167, 185, 196, 197 to reflect new reporting requirements for marine casualties. Implements new reporting form which replaces two separate forms. Will be published as an interim final rule. **B. CFR Citation:** 46 CFR pts. 4, 26, 35, 78, 97, 109, 167, 185, 196, 197. **C. Legal Authority:** 33 U.S.C. 361, 46 U.S.C. 239 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR T.E. Hart, (202) 426-6251	Interim FR	8/16/82	47 FR 158
*Casualty Reporting Requirements (CGD 82-023a).	**A.** Amends 33 CFR 146 to reflect new reporting requirements for marine casualties. Implements new reporting form which replaces two separate forms. **B. CFR Citation:** 33 CFR pt. 146 **C. Legal Authority:** 33 U.S.C. 361, 46 U.S.C. 239, 46 U.S.C. 375. **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR T.E. Hart, (202) 426-6251	Interim FR	8/16/82	47 FR 158
*General Bridge Operation Regulations (Docket No. 82-025).	**A. Abstract:** Would consolidate bridge operation regulations into one part. **B. CFR Citation:** 33 CFR pt. 117 **C. Legal Authority:** 49 U.S.C. 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Teuton, (202) 426-1380	NPRM FR	7/12/82 1/83	47 FR 30176
*Rewrite of 33 CFR Part 157 (Docket No. CGD 82-030).	**A. Abstract:** Amend pollution regulations to clarify, correct minor errors, and incorporate policy decisions and international interpretations.	NPRM	3/83	

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		Action	Date	Cite
	B. CFR Citation: 33 CFR pt. 157 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. Angelo, (202) 426-4431			
*Marine Casualty Investigation (Docket No. 82-034).	**A. Abstract:** Would publish joint NTSB-USCG regulations concerning investigation procedures for casualties involving Coast Guard property. **B. CFR Citation:** 46 CFR pt. 4 **C. Legal Authority:** 49 U.S.C. 1903 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Hart, (202) 426-6251	FR	10/82	
*Remove "Rules of The Road" from Title 46. (Docket No. CGD 82-036).	**A. Abstract:** Would delete references to Title 33 navigation rules and navigation equipment requirements from merchant vessel inspection subchapters of Title 46. **B. CFR Citation:** 46 CFR 2.20-5, 24.10-25, 30.10-62, 70.10-37 **C. Legal Authority:** 33 U.S.C. 1607, 2071 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Thompson, (202) 426-2174	FR	10/82	
*Hand Held Flashlights. Independent Inspection Agencies (Docket No. CGD 82-042).	**A. Abstract:** Would remove two-cell flashlight requirements from flashlight approval specification, change "independent laboratory" to "independent inspection agency", throughout Subchapter J and revise other regulations accordingly. **B. CFR Citation:** 46 CFR pt. 161 **C. Legal Authority:** 46 U.S.C. pts. 391a, 481 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Thompson, (202) 426-2174	NPRM	10/82	
*Aids to Navigation on Outer Continental Shelf (Docket No. 82-054).	**A. Abstract:** Would allow manufacturer certification of lights for marking artificial islands and fixed structures. **B. CFR Citation:** 33 CFR pt. 67 **C. Legal Authority:** 14 U.S.C. 2, 83, 85, 92, 633 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Johnson, (202) 426-1973	NPRM	10/82	
*Navigation Safety Regulations (Docket No. 82-055).	**A. Abstract:** Would generally revise and update the navigation safety regulations to include provisions of latest laws and international agreements. **B. CFR Citation:** 33 CFR pt. 164 **C. Legal Authority:** 33 U.S.C. 1231, 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. T. Falvey, (202) 426-1380	NPRM	12/82	
*Natural Ventilation Regulations for Small Boats (Docket No. 82-056).	**A. Abstract:** Would replace existing regulations with voluntary industry standard. **B. CFR Citation:** 33 CFR pt. 183 **C. Legal Authority:** 46 U.S.C. 1454 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. H. Rieksts, (202) 426-4027	ANPRM	10/82	
*Update Bulk Liquefied Gas Tanker Requirements (Docket No. 82-058).	**A. Abstract:** Would update and revise standards for self-propelled vessels carrying bulk liquefied gases. **B. CFR Citation:** 46 CFR pts. 154 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** Dr. A.L. Rowek, (202) 426-1217	NPRM	4/83	
*Visual Distress Signal Equipment Requirements (Docket No. CGD 82-073).	**A. Abstract:** Amend to clarify definition of "Coastal waters" **B. CFR Citation:** 33 CFR pt. 175 **C. Legal Authority:** 46 U.S.C. 1454 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. W. Sobeck, (202) 426-4176	NPRM	10/82	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

U.S. Coast Guard

USCG

Current and Projected Rulemakings

Other Rulemakings: Routine and Frequent

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	TOTAL ACTIONS EXPECTED			
Safety/Security Zone Regulations.	15		10/82 - 10/83	
	G. Agency Contact: Mr. Ziegfeld, (202) 426-5116			
Anchorage Area Regulations	12		10/82 - 10/83	
	G. Agency Contact: Mr. Ziegfeld, (202) 426-5116			
Drawbridge Regulations	50		10/82 - 10/83	
	G. Agency Contact: Mr. F. Teuton, (202) 426-1380			

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

U.S. Coast Guard

USCG

Reviews of Existing Regulations

Priority Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
• Marine Sanitation Devices on Vessels.	**A. Abstract:** These regulations govern the design and construction of marine sanitation devices in accordance with the regulations and performance standards promulgated by the Environmental Protection Agency (EPA) under section 312 of the Federal Water Pollution Control Act. They also contain the procedures by which Coast Guard enforces its own and EPA standards pertaining to these devices. The purpose of the regulations is to eliminate the discharge of untreated sewage from vessels into the waters of the United States. This is one of the Coast Guard's most controversial regulations. The Coast Guard estimates the annual cost of the rule to be $100,000,000. The Coast Guard estimates the cost of retrofitting boats with these devices to be $100,000,000. The regulation is appropriate for review because of its cost and because of its unpopularity with boat owners. Any revision of the regulation, however, will require coördination with the EPA. **B. CFR Citation:** 33 CFR pt. 159 **C. Legal Authority:** 33 U.S.C. 1322 **D. Effects on Small Entities:** No **G. Agency Contact:** ENS. Arner, (202) 755-7917	Notice of Program Review. Completion of Review.	12/24/81 11/82	46 FR 62479
	Other Reviews			
†Regulatory Flexibility Act Reviews.	**A. Abstract:** in accordance with the Regulatory Flexibility Act (RFA) review plan published In the *Federal Register* of June 29, 1981 (46 FR 33404) the Coast Guard has deferred selecting any specific regulations for RFA review at this time. Instead, the Coast Guard is dividing its regulatory material into manageable units and determining which will require review under the RFA. Once the extent of the required RFA review is known, the Coast Guard will publish a specific review schedule. **B. CFR Citation:** 33 CFR **C. Legal Authority:** None **D. Effects on Small Entities:** Yes **G. Agency Contact:** Mr. Bruce Novak, (202) 426-1477	Review Plan..... Review in Process.	6/29/81	46 FR 33404
*Requirements for uninspected (commercial) motor boats.	**A. Abstract:** Regulations provide for Rules of the Road equipment (COLREG 72), lifesaving, equipment, fire extinguishing equipment backfire flame control, ventilation of internal spaces, liquified petroleum gas prohibition, (passenger carrying). **B. CFR Citation:** 46 CFR pt. 25 **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gallion, (202) 426-2299	Completion of Review.	10/83	
*Inspection of Cargo Gear.....	**A. Abstract:** Requirements apply to all tank vessels and tank barges providing for specific tests and inspections at particular intervals of cargo gear and board. **B. CFR Citation:** 46 CFR 31.36 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gallion, (202) 426-2299	Completion of Review.	10/83	
*Reinspection.....	**A. Abstract:** Requirements apply to certificated small passenger vessels--provide for reinspections between three year inspections for certification.	Completion of Review.	10/83	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

U.S. Coast Guard

USCG

Reviews of Existing Regulations

Other Reviews—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 46 CFR Subpart 176.10 **C. Legal Authority:** 46 U.S.C. 390 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gallion, (202) 426-2299			
*Drydocking or Hauling Out	**A. Abstract:** Requirements apply to certificated small passenger vessels--provide for periodic drydock or haul-out inspections of each vessel. **B. CFR Citation:** (46 CFR Subpart B) **C. Legal Authority:** 46 U.S.C. 390 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gallion, (202) 426-2299	Completion of Review.	10/83	
*Commercial Diving Operations.	**A. Abstract:** Requirements apply to all commercial underwater diving from inspected vessels and also when performed on the U. S. Outer Continental shelf--provide for design, construction use of equipment, inspection, operation, safety and health regulations. **B. CFR Citation:** 46 CFR pt. 167 Subpart B **C. Legal Authority:** 43 U.S.C. 1331 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gallion, (202) 426-2299	Completion of Review.	10/83	
*Equipment for lifeboats, liferafts, lifefloats, and buoyant apparatus.	**A. Abstract:** Regulations require certain specified items of emergency equipment for use in lifeboats, liferafts, etc. **B. CFR Citation:** 46 CFR 94.20 **C. Legal Authority:** 46 U.S.C. 481 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gallion, (202) 426-2299	Completion of Review.	10/83	

Completed Actions

Priority Rulemakings: Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†Review:Proposed Design Standards for Tank Barges (Docket No. CGD 75-083). Upgrade Existing Tank Barge Construction (Docket No. CGD 75-083a).	**A. Abstract:** This action would encompass two regulatory projects centered on tank barge construction standards which resulted from Presidential initiatives of March 17, 1977, directing study of the tank barge pollution problem. One project will address new barge construction while the other will pertain to existing barges. Considered significant due to substantial Congressional and public interest. Increased public awareness of the oil pollution problem, as well as international and domestic interest in this area, have made improved design standards important as a means of reducing the possibility of pollution. **B. CFR Citation:** 46 CFR pts. 32-40 **C. Legal Authority:** Sec. 201, 86 Stat. 427, as amended (46 U.S.C. 391a). **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Impact Analysis, Environmental Impact Statement/Regulatory Flexibility Analysis.	NPRM ANPRM NPRM Public Hearings SNPRM Withdrawal	12/24/71 6/14/79 6/14/79 8/2/79 - 9/7/79 3/13/80 3/25/82	36 FR 24960 44 FR 34440 44 FR 34440 45 FR 16438 46 FR 12829

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

U.S. Coast Guard

Completed Actions

Priority Rulemakings: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: The upgrade of tank barge construction standards was published as an NPRM in the Federal Register of December 24, 1971 (36 FR 24960). As a result of the 63 written comments received, it was decided that the standards needed to be studied further, especially as they would apply to existing barges. In 1974, the Coast Guard and the Maritime Administration performed a joint study of the tank barge pollution problem which found that certain construction techniques might provide a significant advantage for eliminating oil pollution from tank barges. However, the study had several weaknesses and regulatory action was not taken. In July 1977, the Coast Guard began a reexamination of the tank barge construction standards. It was determined that new barge construction should be treated separately from existing barges. An ANPRM concerning impacts related to existing barges was published on June 14, 1979 (44 FR 34440). An NPRM on the standards for new construction was published on June 14, 1979 (44 FR 34440). Public hearings were held on August 2, 1979 (Washington, D.C.); August 15, 1979 (Seattle); August 23, 1979 (New Orleans); September 5, 1979 (Washington, D.C.); and September 7, 1979 (St. Louis). The comment period ended September 30, 1979. The comment period was extended to December 1, 1979. Supplemental Notice published March 13, 1980 (45 FR 16438) announced a National Academy of Sciences (NAS) study which was conducted from February 15, 1980 through July 1981. Rulemaking deferred until review of the NAS study completed. *Withdrawal notice published March 25, 1982. (47 FR 12829)*.			
	G. Agency Contact: LCDR Spackman, (202) 426-4431; LCDR Rock, (202) 426-2183.			
Tank Vessel Operations Regulations, Puget Sound (Docket No. CGD 78-041).	**A. Abstract:** This regulation would govern the operation of tank vessels in the Puget Sound area to protect against environmental harm resulting from vessel or structure damage, destruction, or loss. This is considered a significant rulemaking due to Congressional and public interest. In addition, it may generate controversy among the public; environmentalists, and the oil industry. Its purpose is to reduce the possibility of environmental harm resulting from oil spills in Puget Sound by governing the operation of tankers so as to reduce the risk of collision or grounding.	ANPRM Public Hearing NPRM Public Hearings SNPRM FR	3/27/78 4/20 - 21/78 4/12/79 6/11-14/79 7/21/80 4/26/82	43 FR 12840 44 FR 21974 45 FR 28827 47 FR 17968
	B. CFR Citation: 33 CFR pts. 160, 161			
	C. Legal Authority: Port and Waterways Safety Act (33 U.S.C. 1221).			
	D. Effects on Small Entities: No			
	E. Analysis: Regulatory Evaluation, Environmental Impact Statement.			

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Completed Actions

Priority Rulemakings: Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: Secretary Adams signed a 180-day Interim Rule on March 14, 1978, prohibiting entry of oil tankers in excess of 125,000 Deadweight Tons in Puget Sound March 23, 1978 (43 FR 12257). ANPRM published March 27, 1978 (43 FR 12840) with public hearing held April 20-21, 1978. NPRM published April 12, 1979 (44 FR 21974). Public hearings were held in Washington State on June 11-14, 1979. The interim navigation rule will remain in effect until cancelled (44 FR 36174). The Puget Sound rulemaking has been broken into three parts; 78-041 Tank Vessel Operations, 78-041a Puget Sound VTS Service Area, and 78-041b, Puget Sound VTS General Rules. 78-041b, the General Rules, were published as a final rule on July 21, 1980 (45 FR 48822). On August 11, 1980, the effective date was deferred until October 1, 1980, and a correction to the interim final rule was published August 11, 1980, (45 FR 53135). An editorial correction to the August 11, 1980, publication was published November 10, 1980 (45 FR 74471). The Puget Sound VTS Service Area portion (78-041a) was reclassified as nonsignificant and future issues of the agenda will list it in the "Other Rulemakings" section. A supplemental notice on the new nonsignificant portion was published on July 21, 1980 (45 FR 48826). The Tank Vessel Operations (78-041) portion remains significant. A supplemental NPRM announcing tanker/tug risk analysis tests was published on July 21, 1980 (45 FR 48827). Notice of the availability of studies and tanker/tug tests was published on October 22, 1981 (46 FR 51779). *F.R. published April 26, 1982 (47 FR 17968)* . **G. Agency Contact:** Mr. Ziegfeld, (202) 755-5116			

Other Rulemakings

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Review: Revision of Electrical Regulations (Docket No. CGD 74-125).	**A. Abstract:** Would generally revise and update the electrical regulations to conform to latest technology and to include steering requirements for vessels other than tank vessels. This project was downgraded from significant. **B. CFR Citation:** 46 CFR pts. 110 to 139 **C. Legal Authority:** 46 U.S.C. 170, 392 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Mowery, (202) 426-2206	SNPRM FR	3/3/80 4/8/82	45 FR 13982 47 FR 15210
Elevators and Dumbwaiters (Docket No. CGD 75-001).	**A. Abstract:** Would adopt the 1978 American National Standards Institute (ANSI) Code with certain modifications for vessel construction. **B. CFR Citation:** 46 CFR pt. 58 **C. Legal Authority:** 49 U.S.C. 375, 391(a), 416 **D. Effects on Small Entities:** No **G. Agency Contact:** LT(jg) Cairns, (202) 426-2206	NPRM Withdrawal	4/5/76 6/10/82	41 FR 14386 47 FR 25166
†Pilotage Requirements (Docket No. CGD 76-060).	**A. Abstract:** Would clearly delineate when and in what areas pilots are required. **B. CFR Citation:** 46 CFR 157.20-40 **C. Legal Authority:** 46 U.S.C. 86 **D. Effects on Small Entities:** Yes **G. Agency Contact:** CDR McCowen, (202) 426-2240	Withdrawn		
Review: Marine Safety Investigations (Docket No. CGD 77-018).	**A. Abstract:** Would implement investigation authority under Ports and Waterways Safety Act. **B. CFR Citation:** (33 CFR pt. 168)	NPRM Notice of Withdrawal.	1/25/79 4/22/82	44 FR 5368 47 FR 17307

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Completed Actions

Other Rulemakings—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 33 U.S.C. 127 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gregory, (202) 755-1354			
Damage Stability, Subchapter "O" Barges (Docket No. CGD 77-027).	**A. Abstract:** Would apply damage stability requirements for chemical vessels to ocean chemical barges. **B. CFR Citation:** 46 CFR 151.10-10 **C. Legal Authority:** 33 U.S.C. 1223. **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Perrini, (202) 426-2187	Withdrawn		
Vessel Traffic Service (VTS) New York, N.Y. (Docket No. CGD 77-087).	**A. Abstract:** Establishes regulations for vessel traffic service in New York Harbor. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 U.S.C. 1231 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Burnette, (202) 426-5716	NPRM FR Notice of Withdrawal.	2/16/78 8/2/79 8/5/82	43 FR 6906 44 FR 45381 47 FR 33958
†Review: Waterfront Facilities (Docket No. CGD 77-128).	**A. Abstract:** Would revise waterfront facility regulations by consolidating and updating general regulations. **B. CFR Citation:** 33 CFR 126-32 **C. Legal Authority:** 33 U.S.C. 1224 **D. Effects on Small Entities:** Yes **G. Agency Contact:** LCDR Gregory, (202) 755-1354	ANPRM Notice of Withdrawal.	4/10/78 6/17/82	43 FR 15108 47 FR 28166
Review: Amendments to Alternative Compliance (Docket No. CGD 77-136).	**A. Abstract:** Would provide editorial improvement and clarification of existing regulations. **B. CFR Citation:** 33 CFR pt. 81 **C. Legal Authority:** 33 U.S.C. 1607 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Llana, (202) 426-5116	NPRM FR	1/26/81 4/1/82	46 FR 8030 47 FR 13798
Review: Acceptance of American Society of Mechanical Engineers (ASME) "U" or "UM" Pressure Vessels (Docket 77-147).	**A. Abstract:** Would accept pressure vessels bearing the ASME "U" or "UM" stamp without U.S. Coast Guard inspection. **B. CFR Citation:** 46 CFR pt. 54 **C. Legal Authority:** 46 U.S.C. 375 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. H. Hime, (202) 426-2160	NPRM FR	12/29/80 5/20/82	45 FR 85488 47 FR 21807
Review: Halon 1301 Fire Extinguishing Systems for Merchant Vessels (Docket No. CGD 77-232).	**A. Abstract:** Would allow Halon 1301 for specific types of installations. **B. CFR Citation:** 46 CFR 164.035 **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Eberly, (202) 426-2197	Withdrawn		
Review: Bulk Chemical Tanker Update (Docket No. CGD 78-128).	**A. Abstract:** Would update and revise standards for self-propelled vessels carrying hazardous liquid. **B. CFR Citation:** 46 CFR pt. 153 **C. Legal Authority:** 46 U.S.C. 170 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Gormanson, (202) 426-1217	NPRM FR	7/17/80 5/17/82	45 FR 48058 47 FR 21198
Review: Mandatory Markings for Artificial Islands, Installations, and other Devices (Docket.	**A. Abstract:** Would revise the marking regulations to bring them into agreement with the latest procedures. Project withdrawn and assigned new docket number. Now listed in this Agenda under CGO 82-054. **B. CFR Citation:** 33 CFR pt. 67 **C. Legal Authority:** 14 U.S.C. 181 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Johnson, (202) 426-1974	Withdrawn		
Review: General Revision to Subchapter N (Docket No. CGD 78-160).	**A. Abstract:** Proposed general revisions to Subchapter N, Artificial Islands and Fixed Structures on the Outer Continental Shelf. Revisions to include changes made necessary by new legislation and the Coast Guard Commercial Diving Rules. **B. CFR Citation:** 33 CFR pt. 140 **C. Legal Authority:** 43 USC 1333 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Cashman, (202) 472-5160	NPRM FR	5/1/80 3/4/82	45 FR 29072 47 FR 9366

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Completed Actions

Other Rulemakings—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Installation, Maintenance and Inspection of Pilot Accommodation and Chain Ladders, and Powered Pilot Hoists (Docket No. CGD 79-032).	**A. Abstract:** Would establish inspection procedures and timetables for embarkation apparatus *2183* . **B. CFR Citation:** 46 CFR **C. Legal Authority:** 46 USC 375 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Murray, (202) 426	Withdrawn		
Limited Access Areas (Docket No. CGD 79-034).	**A. Abstract:** Would realign limited access area regulations in 33 CFR. **B. CFR Citation:** 33 CFR pts. 125, 127, 128, and 165 **C. Legal Authority:** PL 95-374 **D. Effects on Small Entities:** No **G. Agency Contact:** LT(jg) *Powers,* (202) *755-1354*	FR	7/8/82	47 FR 29659
Steering Gear, Drills and Tests (Docket No. CGD 79-038).	**A. Abstract:** Would require all inspected vessels over 100 gross tons and foreign vessels over 1600 gross tons to have written procedures for loss of steering control, and to conduct log emergency steering drills. **B. CFR Citation:** 46 CFR **C. Legal Authority:** 33 USC 1224 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Falvey, (202) 426- *4958*	Withdrawn		
†Marine Personnel Safety Standards (Docket No. CGD 79-065).	**A. Abstract:** Would develop a new Subchapter prescribing general personnel safety standards for inspection vessels and offshore facilities. (Subchapter V). **B. CFR Citation:** 46 CFR **C. Legal Authority:** 46 U.S.C. 375 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Gold, (202) 426-2183; LT F. Whipple, (202) 426-5160.	Withdrawn		
Amendment to Application of Vessel Numbers (Docket No. 79-087).	**A. Abstract:** Would delete date of birth and citzenship data from application for vessel number. (45 FR 55768). **B. CFR Citation:** 33 CFR pt. 174 **C. Legal Authority:** 46 U.S.C. 1467 **D. Effects on Small Entities:** No **G. Agency Contact:** *LCDR Schmeedt, (202) 426-4176*	NPRM FR	8/21/80 2/25/82	45 FR 55768 47 FR 8175
Shipment of Bulk Hazardous Waste by Water (Docket No. CGD 79-095).	**A. Abstract:** Would establish requirements for transportation of bulk hazardous wastes. **B. CFR Citation:** 46 CFR pt. 156 **C. Legal Authority:** 46 U.S.C. 391(a) **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. M. Query, (202) 426-1217	NPRM Withdrawal	10/14/80 5/27/82	45 FR 67708 47 FR 23188
Shipboard Noise Abatement (Docket No. CGD 79-134).	**A. Abstract:** Would develop noise abatement standards (noise levels, hearing conservation program, etc.) for inspected vessels over 100 gross tons. (Will be included in subchapter V). **B. CFR Citation:** 46 CFR Subchapter V **C. Legal Authority:** 46 U.S.C. 375 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Murray, (202) 426-2183	Withdrawn		
Start-in-Gear Protection (Docket No. CGD 79-137).	**A. Abstract:** Would establish a requirement for manufacturers of outboard engines producing more than 115 pounds of thrust to have a feature that would prevent the engine from being started while the transmission was in gear. **B. CFR Citation:** 33 CFR pts. 181 and 183 **C. Legal Authority:** 46 U.S.C. 1454 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Franceen, (202) 426-1080	NPRM FR	3/24/80 1/15/81	45 FR 18987 46 FR 3514
Review: Tank Stop Valves (Docket No. CGD 79-159).	**A. Abstract:** Would amend the regulations for tank stop valves to make them applicable to sluice gates and sluice valves as well as piping systems. **B. CFR Citation:** 46 CFR pts. 56, 58 **C. Legal Authority:** 46 USC 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Mowery, (202) 426-2160	ANPRM Withdrawal	4/16/81 4/1/82	46 FR 220 47 FR 13838

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Review: License in Temporary Grades (Docket No. CGD 79-173).	**A. Abstract:** Would provide for licenses in temporary grades or special endorsements or licenses to permit temporary service. **B. CFR Citation:** 46 CFR pt. 11 **C. Legal Authority:** 49 U.S.C. 375, 416, 391a, 404 **D. Effects on Small Entities:** No **G. Agency Contact:** CDR D. Struck, (202) 426-2240	NPRM Withdrawal	8/18/80 2/11/82	45 FR 54776 47 FR 6300
†Shipboard Asbestos Standards (Docket No. CGD 79-181).	**A. Abstract:** Would develop safety standards threshold values, etc., for use of asbestos on inspected vessels. (Will be included in Subchapter V). **B. CFR Citation:** 33 CFR Subchapter V **C. Legal Authority:** 46 U.S.C. 375 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Fust, (202) 426-2183	Withdrawn		
Loran C Position Transmitting System (Docket No. CGD 80-093).	**A. Abstract:** Would require an automatic position transmitting capability of deep draft ships approaching Hinchen Brook Entrance and in the lower portion of Prince William Sound, Alaska. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 U.S.C. 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** *Mr. A. Whittum,* (202) 426-4958	Withdrawal Notice.	6/82	47 FR 26166
Mooring and Fleeting of Tows on Snake Island, Texas (Docket No. 80-094).	**A. Abstract:** Would prohibit the mooring and fleeting of tows on Snake Island, Texas. **B. CFR Citation:** 33 CFR pt. 128 **C. Legal Authority:** PL 95-474 **D. Effects on Small Entities:** No **G. Agency Contact:** *LCDR Edwards,* (202) 426-5116	NPRM FR	7/13/82 4/1/82	46 FR 35941 47 FR 13802
Documentation of Vessels (Docket No. CGD 80-107).	**A. Abstract:** Would revise 46 CFR parts 66 and 67 to implement the provisions of Public Law 96-594. Project number CGD 80-108 has been incorporated into this project. **B. CFR Citation:** 46 CFR pts. 66, 67 **C. Legal Authority:** PL 96-594 **D. Effects on Small Entities:** No **G. Agency Contact:** Ms. P. Carnilla, (202) 426-1492	NPRM FR	11/16/81 6/24/82	46 FR 56318 47 FR 27490
Fire test for carpets (Docket No. 80-135).	**A. Abstract:** Would clarify "equivalent fire resistive" carpet and specify limitations on use of carpet aboard commercial vessels other than passenger vessels. **B. CFR Citation:** 46 CFR pt. 72 **C. Legal Authority:** 46 USC 481 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. W. Boyce, (202) 426-2197	Withdrawn		
Load Line Survey Fees (Docket No. CGD 80-143).	**A. Abstract:** Would permit American Bureau of Shipping (ABS) to set fees without Coast Guard regulatory action. **B. CFR Citation:** 46 CFR pt. 42 **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Granholm, (202) 426-2188	NPRM FR	11/9/81 6/10/82	46 FR 55278 47 FR 25148
Review: Revocation of Obsolete Specifications (Docket No. 80-155).	**A. Abstract:** Would revoke approval specifications for cork and balsa ring life buoys and material specifications for cord and balsa. **B. CFR Citation:** 46 CFR pts. 25, 33 **C. Legal Authority:** 46 U.S.C. 369, 375, 390b, 416 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Thompson, (202) 426-2174	NPRM FR	7/20/81 3/11/82	46 FR 37290 47 FR 37286
Amendments to Regulations allowing cork and balsa wood ring buoys (Docket 80-155a).	**A. Abstract:** Would amend regulations in 33 CFR parts 144, 149 and 175 that allow cork and balsa wood ring buoys on artificial islands, fixed offshore structures and recreational boats. **B. CFR Citation:** 33 CFR pts. 144, 145 **C. Legal Authority:** 46 U.S.C. 369, 375, 390b, 416 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Thompson, (202) 426- 2174	NPRM FR	7/20/81 3/11/82	46 FR 37386 47 FR 10558

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Other Rulemakings—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Inland Navigation Rules Certificates of Alternative Compliance (Docket 80-157).	**A. Abstract:** Would set out procedures by which a vessel can receive a certificate of alternative compliance which recognizes the inability of a vessel of particular construction to comply with a particular provision of the Inland Rules. **B. CFR Citation:** 33 CFR pt. 96 **C. Legal Authority:** PL 96-591 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Llana, (202) 426-5116	NPRM FR	5/14/81 4/1/82	46 FR 26661 47 FR 13800
Annex V to Inland Navigation Rules Pilot Rules (Docket 80-158).	**A. Abstract:** Would set out pilot rules of special applicability to supplement the new Inland Navigation Rules. **B. CFR Citation:** 46 FR 37012 **C. Legal Authority:** PL 96-591 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Llana, (202) 426-5116	NPRM FR	7/16/82 4/15/82	46 FR 37012 47 FR 16174
Annex IV to Inland Navigation Rules - Distress Signals (Docket 81-007).	**A. Abstract:** Would provide the marine community with standardized signals for vessels to be used exclusively for indicating distress and the need for assistance. **B. CFR Citation:** 33 CFR pt. 87 **C. Legal Authority:** PL 96-591 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Llana, (202) 426-5116	NPRM FR	7/16/81 4/15/82	46 FR 37002 47 FR 16173
Optional Simplified Admeasurement of Commercial Vessels (Docket 81-032).	**A. Abstract:** Would implement Public Law 96-594, a bill to simplify admeasurement of commercial vessels of less than 24 meters (79 feet), and non-self propelled vessels of any size which are not engaged or intending to engage in international voyages by sea. **B. CFR Citation:** 46 CFR pt. 69 **C. Legal Authority:** 46 U.S.C. 2, 3, 71, 74, 83 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Higgins, (202) 426-2192	NPRM FR	1/14/82 4/29/82	47 FR 2131 47 FR 18334
Delete Fifth District Merchant Marine Technical Office Address from Regs (Docket 81-039).	**A. Abstract:** Would remove Fifth District Merchant Marine Technical Office from Regulations. **B. CFR Citation:** 33 CFR pt. 157 **C. Legal Authority:** 46 U.S.C. 391(a), 49 U.S.C. 1055(b) **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Anderson	FR	6/7/82	47 FR 24547
Transfer of Corps of Engineers Gulf of Mexico Shipping Fairway Regulations (Docket 81-040).	**A. Abstract:** Would transfer the Army Corps of Engineers regulations designating Shipping Fairways in the Gulf of Mexico to the Coast Guard. **B. CFR Citation:** 33 CFR pt. 74 **C. Legal Authority:** PL 95-474 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Young, (202) 426-5116	FR	5/13/82	47 FR 20580
Licensing of Officers of Inspected Vessels of less than 100 gross tons (Docket 81-043).	**A. Abstract:** Would amend 46 CFR parts 157, 175, 185, 186 and 187 to reflect statutory intent of P.L. 96-378 concerning the licensing of officers, and manning of inspected vessels of less than 100 gross tons. **B. CFR Citation:** 46 CFR pt. 157 **C. Legal Authority:** 46 U.s.c. 224, 390, 390(b) **D. Effects on Small Entities:** No **G. Agency Contact:** CDR McCowen, (202) 426-2240	Withdrawn		
Great Lakes Pilotage Rates (Docket No. CGD 81-088).	**A. Abstract:** Would increase the basic pilotage rates by nine percent in the U.S. Great Lakes pilotage system, eliminate the smallest category in the "range of pilotage units" table, and permit temporarily registered pilots to hold financial interests in pilot organizations. **B. CFR Citation:** 46 CFR pt. 401 **C. Legal Authority:** 46 U.S.C. 216c **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. Hartke, 755-8683	NPRM FR	2/11/82 4/1/82	47 FR 6300 47 FR 13808

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Title	Summary	Timetable		
		Action	Date	Cite
Visual Distress Signal Equipment Requirements (Docket No. CGD 81-038-A).	**A. Abstract:** Would amend to clarify language, provide defnition of "Coastal Waters", allow continued use of existing flare launchers, & lessen requirement for carriage by some boats. **B. CFR Citation:** 33 CFR pt. 175 **C. Legal Authority:** 46 U.S.C. 1454 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Schmecht, (202) 426-4176	FR	6/7/82	47 FR 24548
Establishment of Regional Examination Centers (Docket No. 82-033).	**A. Abstract:** Would establish consolidated centers for the purpose of testing merchant marine personnel. **B. CFR Citation:** 46 CFR pts. 1, 10, 12, 187 **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** CDR McGowman, (202) 426-2240	NPRM FR	5/3/82 7/1/82	47 FR 18929 47 FR 28677

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
•Pollution Prevention Regulations.	**A. Abstract:** These regulations were promulgated pursuant to 46 U.S.C. 391a(7). (Port and Tanker Safety Act) (PTSA). The regulations require segregated ballast tanks, clean ballast tanks, and crude oil washing systems in various combinations for oil tankers. The purpose of the regulations is to prevent pollution. The PTSA also requires a regulation to be promulgated by January 1, 1986, that would require retrofitting of United States flag vessels of between 20,000-40,000 tons that are 15 years old or older with these pollution prevention systems. The Coast Guard initially calculates the cost will be $5-$6 billion over a period of 20-30 years. These regulations should be reviewed because of their cost. Also there has been, in the past, some opposition from tank vessel owners. However, the PTSA is fairly specific in requiring certain pollution prevention systems and legislation may be needed. After review, the Coast Guard has decided to go ahead with a regulatory proposal. It is now listed in the agenda as a priority rulemaking under docket number (GD 82-028). **B. CFR Citation:** 33 CFR pt. 157 **C. Legal Authority:** 46 U.S.C. 391(a), 92 Stat. 1486 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. Angelo, (202) 426-4432	Review Complete.		
Navigation Safety Regulations.	**A. Abstract:** These regulations were promulgated pursuant to the PTSA (46 U.S.C. 391a). The implementing regulations require that commercial tank vessels carry dual radar systems, redundant (back-up) steering systems and certain other navigating equipment. A review is warranted because of controversiality with vessel owners and costs of installation *426-4958* . **B. CFR Citation:** 33 CFR Pt. 164 **C. Legal Authority:** 46 U.S.C. 391(a) **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Tom Falvey, (202)	Review Complete.		

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Title	Summary	Timetable		
		Action	Date	Cite
•Stability Subchapter (Docket No. CGD 79-033).	**A. Abstract:** Presently Coast Guard vessel stability regulations are located in numerous parts of Title 46 of the Code of Federal Regulations. This makes them confusing and difficult to apply. This review is aimed at consolidating existing stabilty regulations into a single subchapter. Consolidation should result in more efficient administration and easier access to the regulations by users. **B. CFR Citation:** 46 CFR **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Feeney, (202) 426-6127	Review Complete.		
Vessel Reporting Requirements.	**A. Abstract:** These regulations were also developed and promugated pursuant to the PTSA. They require vessel owners to report their locations, arrivals and departures when carrying certain hazardous cargoes. The barge industry and certain boat owners in the past, have opposed these regulations. This regulation should be reviewed because of its controversy and impact on the barge and towing industry. **B. CFR Citation:** 33 CFR Pt. 161 **C. Legal Authority:** 46 U.S.C. 391(a) **D. Effects on Small Entities:** No **G. Agency Contact:** LTJG Powers, (202) *755-1354*	Review Complete.		
Licensing of Officers and Motorboat Operators and Registration of Staff Officers (Docket No. CGD 81-059).	**A. Abstract:** The present regulations applicable to the licensing of officers and motor boat operators and the registration of staff officers do not have a logical or structured arrangement. They also do not clearly indicate what is required before an officer is permitted to expand the scope of his license in terms of vessel type, size and area of operation. The goal of this review is a comprehensive restructuring of the regulations so that overlaps and inconsistencies can be eliminated. Specific objectives of the review are to reduce the number of specialized deck licenses issued by the Coast Guard, simplify the administration of the regulations, improve the clarity of the regulations to aid public understanding and define, in clear terms, paths of career progression which will simplify the use of the regulations by those subject to their requirements. **B. CFR Citation:** 46 CFR pt. 101 **C. Legal Authority:** **D. Effects on Small Entities:** No. **G. Agency Contact:** LCDR George Naccara, (202) 426-6259	Review Complete.		

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Current and Projected Rulemakings

Priority Rulemakings: Non-Major

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Title	Summary	Timetable		
		Action	Date	Cite
†Parts Manufacturer Approvals (Docket No. 17147)..	**A. Abstract:** Would (1) simplify the procedure for approving a PMA applicant's design on the basis of identicality to an already approved design; (2) reduce PMA application and reporting requirements; and (3) add a marking requirement which will facilitate field installation of replacement parts manufactured under a PMA and help avoid use of incorrect parts. The proposed revision is considered to be significant because it is controversial. Differences of opinion exist with respect to the methods available for showing identicalness of parts. Also the Parts Manufacturer Approval application and reporting requirements may be unnecessarily burdensome. **B. CFR Citation:** 14 CFR pt. 21 **C. Legal Authority:** Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423). **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis.. **F. Additional Information:** This project was initiated December 23, 1975. NPRM No. 77-19 was published in the Federal Register (42 FR 43985). Comment period later reopened until January 4, 1978 (NPRM No. 77-19A, 42 FR 61048) and again reopened until May 15, 1978 (NPRM No. 77-19B, 43 FR 15432). Portions of NPRM 77-19 dealing with other subjects were handled separately. Supplemental Notice of Proposed Rulemaking (SNPRM) was published January 15, 1981 (46 FR 3775). Initial comment period closed April 15, 1981; reply comment period closed May 15, 1981. NPRM 77-19D reopening the comment period until August 24, 1981, and the reply comment period until September 21, 1981, was published July 23, 1981 (46 FR 38062). *In view of the Congressional, Federal Agency, and public comments on this rulemaking, a Regulatory Flexibility Analysis will be prepared, whether or not required by the Regulatory Flexibility Act.* . **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM SNPRM FR	12/23/75 1/15/81 11/82	42 FR 43985 46 FR 3775
Wind Shear (Docket No. 19110).	**A. Abstract:** Would revise existing regulation to require all large passenger-carrying aicraft be equipped with a device that will display wind shear information to the pilots. This action is considered a significant project because it will generate substantial public interest and will be controversial. As a result of several accidents involving wind shear, it is necessary to identify equipment that will enable pilots to identify low level wind shear conditions. **B. CFR Citation:** 14 CFR pt. 121 **C. Legal Authority:** Secs. 313(a), 601 and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** In 1975, the FAA began a two year effort to develop a wind shear program. As part of the program, FAA began work to develop a wind shear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. ANPRM No. 79-11 was published on May 3, 1979 (44 FR 25807) and comment period closed August 3, 1979. *This project is being considered in connection with the review of the air carrier certification, operating and maintenance rules (14 CFR Parts 121 & 135).* . **G. Agency Contact:** William J. Sullivan, (202) 755-8716	ANPRM Further action to be determined.	5/3/79	44 FR 25807

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Priority Rulemakings: Non-Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Flight Crewmembers: Limitations on Use of Services.	**A. Abstract:** The FAA has established a project to determine the need to revise that provision of Part 121 which prohibits certificate holders from using the services of any person as a pilot flight crewmember if that person has reached his or her 60th birthday and to extend the rule to cover all flight crewmembers in air carrier operations. The "Age 60" rule is significant because it has been objected to by pilots flying in Part 121 operations since its adoption. Any action that the FAA proposes can be expected to generate significant concern over the economic and career consequences to flight crewmembers and to air carriers. This project is needed in light of a recent government study on the "Age 60" rule and air carrier experience involving down-bidding of age 60 pilots to flight engineer positions. **B. CFR Citation:** 14 CFR pt. 121 **C. Legal Authority:** Section 313(a), 601, 602, and 604, Federal Aviation Act of 1958 (49 U.S.C. Sections 1354(a), 1421, 1422, 1423): Section 6(c) Department of Transportation Act (49 U.S.C. Section 1655(c)). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Public Law 96-171 (7/18/79) directed the National Institutes of Health (NIH) to conduct a study to determine if the "age 60 rule" is warranted. The report, issued August 1982, recommends retaining the rule, extending it to cover Part 135 operations, and implementing a study to collect data to possibly relax the *current rule. The ANPRM 82-10 was published July 8, 1982. (47 FR 29782). The comment period closes November 5, 1983. .* **G. Agency Contact:** *William J. Sullivan, (202) 755-8716*	ANPRM *Further action to be determined.*	7/8/82	47 FR 29782
*Airport Noise Compatibility Planning.	**A. Abstract:** Would revise and replace with a final rule the interim rule (FAR Part 150) on this subject, (1) prescribing requirements for airport operators choosing to sumbit an airport noise exposure map or an airport noise compatibility program, (2) establishing a single system of measuring aircraft noise and a single system for determining the exposure of individuals to noise in the vicinity of airports, and (3) identifying land uses that are normally compatible (or noncompatible) with various levels of noise around airports. The proposed regulation is significant because it is of substantial interest to the public, potentially affecting State and local governments and the aviation community. The Aviation Safety and Noise Abatement Act of 1979 requires the Secretary of Transportation (and through delegation, the Administrator of the FAA) to establish items (1), (2), and (3). The aviation noise problem in the vicinity of airports has become recognized as one of the greatest and potentially most damaging problems in social as well as environmental and economic terms, in aviation today. Pressures for curfews and other constraints upon aviation to solve noise problems are increasing. Costs of land purchases, soundproofing, and land use changes for compatibility purposes are increasing at even faster rates. There is an urgent need for positive actions and constructive cooperative efforts by all involved in the aviation noise problem. This final rule will serve as the primary vehicle for these actions and efforts. **B. CFR Citation:** CFR pt. 150 **C. Legal Authority:** Title I of the Aviation Safety and Noise Abatement Act of 1979 (P.L. 96-193), Sections 307(a), 312, 611, and 612 of the Federal Aviation Act of 1958 (as amended), and Section 20(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720(b)). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation	NPRM	10/82	

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Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: The Aviation Noise Abatement Policy, issued November 18, 1976, established a pilot noise abatement planning program, the Airport Noise Control and Land Use Compatibility (ANCLUC) Program. The Aviation Safety and Noise Abatement Act of 1979 established the basis and legal requirement for this and the interim rule FAR Part 150. FAR Part 150, the interim rule, was adopted January 19, 1981, and became effective February 28, 1981. Comments were received on the interim rule through December 1, 1981. **G. Agency Contact:** Richard Tedrick, (202) 755-9027			

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
Review: Aircraft Engine Regulations Notice (Docket No. 16919).	**A. Abstract:** Proposed amendment to resolve a number of regulatory issues raised by engine manufacturers and to update those standards. **B. CFR Citation:** 14 CFR pts. 23, 25, 27, 29, and 33) **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603, 608; (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *George F. Muleahy, FAA NE Region, 12 Executive Park, Burlington, MA 01803, (617) 273-7330.*	NPRM FR	11/20/80 *9/82*	45 FR 76872
Review: Operations Review Notice No. 12 (Docket No. 21071).	**A. Abstract:** Proposed extensive revisions to update and improve regulations applicable to aircraft maintenance, preventive maintenance, rebuilding and alteration of aircraft. **B. CFR Citation:** 14 CFR pts. 43 and 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 402, 601-605, 902, 1110, 1202; (49 U.S.C. 1348(a)(c), 1354(a), 1421-1425, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	11/20/80 *8/82*	45 FR 76894
Review: Operations Review Program Close-out Notice No. 13.	**A. Abstract:** Notice announcing the disposition of all proposals not addressed in previous Operations Review Notices and the availability of an index of the disposition of all Operations Review proposals. **B. CFR Citation:** None **C. Legal Authority:** None **D. Effects on Small Entities:** Not applicable **G. Agency Contact:** William J. Sullivan, (202) 755-8716	*FR*	9/82	
Review: Part 91 Notice (Docket No. 16431).	**A. Abstract:** The agency conducted a Regulatory Review Conference of 14 CFR Part 91, Subpart B, in September 1977, in order to update that part. This action will cover all proposals covered by the review except for lost communications. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202; (49 U.S.C. 1348(a)(c), 1354(a), 1421(a), 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** Hal Becker, (202) 426-3656	Further action to be determined		
Review: Part 91 Review Lost Communications (Docket No. 16431).	**A. Abstract:** Proposed amendment to simplify lost communications procedures. **B. CFR Citation:** 14 CFR pt. 91	NPRM	9/82	

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 49 U.S.C. 1348(a)(c), 1354(a), 1421(a), 1655(c) (FAAct 307, 313(a), 402, 601-603, 902, 1110, 1202). **D. Effects on Small Entities:** No **G. Agency Contact:** Hal Becker, (202) 426-3656			
Review: Objects Affecting Navigable Airspace (Docket No. 16920).	**A. Abstract:** Would revise and reorganize 14 CFR Part 77 in a more logical sequence and presentation of regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation. **B. CFR Citation:** 14 CFR pt. 77 **C. Legal Authority:** F.A.Act, Secs. 104, 307, 313, 1001, 1101 (49 U.S.C. 1304, 1348, 1354, 1431, 1501). **D. Effects on Small Entities:** No **G. Agency Contact:** Keith Potts, (202) 426-3731	Notice of Review. Review Conference. NPRM	6/19/78 12/4-8/80 12/82	43 FR 26322
Review: Update of Part 139.....	**A. Abstract:** Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting and rescue requirements. **B. CFR Citation:** 14 CFR pt. 139 **C. Legal Authority:** F.A.Act, Secs. 313, 609, 610 (49 U.S.C. 1354, 1429, 1430, 1432). **D. Effects on Small Entities:** No **G. Agency Contact:** Jose Roman, (202) 426-3087	Further action to be determined.		
Pilot Oxygen Mask Use Requirements (Formerly "Supplemental Oxygen").	**A. Abstract:** Proposed rule to permit certain widebody turbojet airplanes to operate up to flight level of 45,000 feet above sea level without requirements for the pilot to use supplemental oxygen. **B. CFR Citation:** 14 CFR pts. 25, 29, 37, 91, and 121 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 402, 501, 601, 610, 902, 1110, 1202, 1102; 49 U.S.C. 1348(a)(c), 1354(a), 1421-1430, 1502, 1655(c). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM Further action to be determined.	8/12/82	47 FR 35146
Review: Metropolitan Washington Airports Regulations.	**A. Abstract:** Proposed revision to reflect changed operational conditions and policies and to simplify, clarify and consolidate the regulations pertaining to the National Capital Airports. **B. CFR Citation:** 14 CFR pt. 159 **C. Legal Authority:** D.C. Code, Title 2-1602; Sec. 2, 54 **D. Effects on Small Entities:** No **G. Agency Contact:** Edward S. Faggen, Wash. Nat'l Airpt., Hang 9, Wash, DC 20001, (703) 557-8123.	Further action to be determined.		
Review: Revision of Part 91 (Docket No. 18334).	**A. Abstract:** This review deals with the air traffic and general operating rules in Part 91 - the most fundamental aviation regulations. This action would reorganize and rearrange the rules without substantive change, to make them easier to use and understand. (Phase I). A later action will review and revise them to eliminate unnecessary burdens in keeping with E.O. 12291. (Phase II). AOPA withdrew its petition on November 20, 1980, so the FAA could proceed with this two-step review. ANPRM 79-2 published the original AOPA petition for comment on Janary 22, 1979 (44 FR 4571). NPRM 79-2A proposing reorganization of Part 91 was published on September 10, 1981 (46 FR 45256). NPRM 79-2B extended the comment period to April 9, 1982 (December 10, 1981; 46 FR 60461). Comments received on NPRM 79-2A will form a basis for proceeding with Phase II. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348, 1354, 1354(a) 1355, 1401, 1402, 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	ANPRM NPRM NPRM	1/22/79 9/10/81 1/83	44 FR 4571 46 FR 45256

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Title	Summary	Timetable		
		Action	Date	Cite
Recording of Aircraft Titles and Security Documents - Notice of Lien (Docket No. 14236).	**A. Abstract:** Proposed amendment to prescribe specific procedures for filing Notice of Lien with the Aircraft Registry. This proposal would also require release of the Notice filed upon satisfaction of the lien. **B. CFR Citation:** 14 CFR pt. 49 **C. Legal Authority:** F.A.Act, Secs. 313, 501, 503, 505, 1102 (49 U.S.C. 1354, 1401, 1403, 1405, 1502). **D. Effects on Small Entities:** No **G. Agency Contact:** *Elizabeth Flinta,* PO Box 25724, Okla City, OK 73125, (405) 686-2284.	NPRM Further action to be determined.	1/13/75	40 FR 2445
Cessna Finance Petition (Docket No. 17311).	**A. Abstract:** Petition for rulemaking to amend Part 47 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract. **B. CFR Citation:** 14 CFR pt. 47 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 501, 503, 505, 506, 1102; 49 U.S.C. 1348, 1354, 1401, 1403, 1405, 1406, 1502. **D. Effects on Small Entities:** No **G. Agency Contact:** *Elizabeth Flinta PO Box 25724 Okla City, OK 73125,* (405) 686-2284.	ANPRM NPRM FR	10/20/77 5/22/80 10/82	42 FR 55891 45 FR 34826
Use of Alcohol or Drugs (Docket No. 21956).	**A. Abstract:** Proposed rule which will subject Certificated Flight Crewmembers suspected of being under the influence of alcohol to blood-alcohol tests and establish a specific blood-alcohol content level at which a pilot is considered to be intoxicated. **B. CFR Citation:** 14 CFR pts. 61 and 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 314, 402, 601-603, 902, 72, 1110, 1202; 49 U.S.C. 1348(a)(c), 1354(a), 1355, 1421(a), 1422, 1655(c). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM Further action to be determined.	7/27/81	46 FR 38480
Revision of Applicability of Part 139.	**A. Abstract:** Proposed amendment to require the certification of airports serving commuter air carriers, as well as air carriers holding certificates of public convenience and necessity from the CAB. This revision would respond to the Airline Deregulation Act of 1978 and ensures that passengers traveling aboard commuter air carriers enjoy the same level of safety as passengers traveling aboard CAB certificated air carriers. **B. CFR Citation:** 14 CFR pt. 139 **C. Legal Authority:** F.A.Act, Secs. 313, 609, 610 (49 U.S.C. 1354, 1429, 1430, 1432). **D. Effects on Small Entities:** No **G. Agency Contact:** Jose Roman, Jr., (202) 426-3087	NPRM Further action to be determined.	6/12/80	45 FR 39857
Review: Rotorcraft Review Notice No. 1 Certification, IFR, and Deicing (Docket No. 21180).	**A. Abstract:** This notice proposes to add new airworthiness standards and update existing criteria in the areas of instrument flight rules (IFR) certification and ice protection certification. It also proposes revisions to the applicability of sections of Part 27 and 29 which allow for increased productivity for rotorcraft engaged primarily in utility or cargo operations and provides additional protection for rotorcraft carrying 10 or more passengers. **B. CFR Citation:** 14 CFR pts. 1, 27, 29, 33, 43, 45, 61, 91, 121, 127, 133, and 135. **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 314, 314(a), 402, 501, 502, 601-610, 902, 1110, 1202, 1102 (49 U.S.C. 1348, 1348(a)(c), 1351, 1354, 1354(a), 1355, 1355(a), 1401, 1402, 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** *Tommie S. Plummer,* PO Box 1689, Ft. Worth, TX 76101, (817) 624-4911.	NPRM Public Meeting FR	12/18/80 8/80 8/82	45 FR 83424

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Title	Summary	Timetable		
		Action	Date	Cite
Inoperative Instruments or Equipment, (Docket No. 22320).	**A. Abstract:** This notice proposes to revise Part 91 to include provisions that will allow the operation of powered aircraft with certain installed instruments and equipment inoperative. The proposal would consolidate minimum equipment list requirements presently contained in various parts of the Federal Aviation Regulations into one regulation. **B. CFR Citation:** 14 CFR pts. 43, 91, 121, 125, and 135 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 314(a), 402, 501, 601-610, 902, 1102, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354, 1354(a), 1355, 1355(a), 1421(a)-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM Further action to be determined.	10/26/81	46 FR 52278
Hang Gliding (Docket No. 21631).	**A. Abstract:** Proposed addition to FAR Part 101 to designate general safety rules for hang gliding in order to accommodate increasing hang gliding activity in the National Airspace System. This entry has been reclassified as Priority Rulemakings: Non-Major. **B. CFR Citation:** 14 CFR pt. 101 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1302 (49 U.S.C. 1348, 1354, 1372, 1421, 1442, 1443, 1472, 1510, 1522). **D. Effects on Small Entities:** No **G. Agency Contact:** Hal Becker, (202) 426-3656	NPRM FR	7/27/81 8/82	46 FR 38472
Parachute Jumping, Notice and Authorization Requirements.	**A. Abstract:** Proposed amendments would require notice of parachute jumps in terms of above mean sea level and would require ATC authorization for jumps in/into a terminal control area. **B. CFR Citation:** 14 CFR pt. 105 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 601 (49 U.S.C. 1348, 1354(a), 1421). **D. Effects on Small Entities:** No **G. Agency Contact:** Hal Becker, (202) 426-3656	NPRM	9/82	
Terminal Control Areas (TCA's): Phoenix.	**A. Abstract:** Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. **B. CFR Citation:** 14 CFR pt. 71 **C. Legal Authority:** F.A.Act, Secs. 307(a), 313(a), 1110 (49 U.S.C. 1348(a), 1354(a), 1510, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** S. Wugalter, (202) 426-8783	Further action to be determined.		
Terminal Control Areas (TCA's): Fort Lauderdale/ Miami, (Docket No. 186905/80-R30-4).	**A. Abstract:** Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. **B. CFR Citation:** 14 CFR pt. 71 **C. Legal Authority:** 49 U.S.C. 1348(a), 1354(a), 1510, 1655(c) **D. Effects on Small Entities:** No **G. Agency Contact:** S. Wugalter, (202) 426-8783	Further action to be determined.		
Terminal Control Area (TCA) New York (Modification).	**A. Abstract:** Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. **B. CFR Citation:** 14 CFR pt. 71 **C. Legal Authority:** F.A.Act, Secs. 307(a), 313(a), 1110 (49 U.S.C. 1348(a), 1354(a), 1510, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** S. Wugalter, (202) 426-8783	NPRM Further action to be determined.	1/8/81	46 FR 2088
Terminal Control Area (TCA) Las Vegas (Modification).	**A. Abstract:** Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. **B. CFR Citation:** 14 CFR pt. 71	Further action to be determined.		

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: F.A.Act, Secs. 307(a), 313(a), 1110 (49 U.S.C. 1348(a), 1354(a), 1510, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** S. Wugalter, (202) 426-8783			
Flight Operations Control Systems (Docket No. 18591).	**A. Abstract:** Based upon a Transamerican Airlines (TIAS) and World Airways (WRLS) joint petition for rule making, the FAA is considering amending Part 121 to allow among other things all operations to be conducted under a flight operations control system. Advance Notice 80-16 (14 FR 67103) issued Oct. 2, 1980, published the entire petition and requested comments to assist the FAA in determining what if any regulatory proposals should be developed. **B. CFR Citation:** 14 CFR pt. 121 **C. Legal Authority:** F.A.Act, Secs. 313(a), 501, 601-610, 1102 (49 U.S.C. 1354(a), 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	ANPRM Further action to be determined.	10/2/80	45 FR 67103
Review: Rotorcraft Review Notice No. 2-Systems.	**A. Abstract:** This notice is the second of a series of notices that propose to add new airworthiness, operation, and maintenance standards for rotorcraft. This particular notice proposes changes to Parts 27, 29, and 91 and deals only with the flight controls and associated systems on rotorcraft. **B. CFR Citation:** 14 CFR pts. 27, 29, and 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354, .1354(a), 1421, 1421(a), 1423, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** *Jim Honaker, PO Box 1689, Ft Worth, TX 76101, (817) 624-4911 Ext. 504.*	NPRM Further action to be determined.	8/26/82	
Review: Rotorcraft Review Notice No. 3 - Powerplants.	**A. Abstract:** This notice is the third of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the engine and related equipment certification requirements in Parts 27 and 29 of the Federal Aviation Regulations. **B. CFR Citation:** 14 CFR pts. 27 and 29 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603; 49 U.S.C. 1354, 1421, 1423. **D. Effects on Small Entities:** No **G. Agency Contact:** *Wilbur Wells, PO Box 1689, Ft Worth, TX 76101, (817) 624-4911, Ext. 504.*	NPRM	11/82	
Review: Rotorcraft Review Notice No. 4 - Airframe.	**A. Abstract:** This is the fourth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations. **B. CFR Citation:** 14 CFR pts. 27 and 29 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *James Major, PO Box 1689, Ft Worth, TX 76101, (817) 624-4911, Ext. 504.*	NPRM	8/82	
Review: Rotorcraft Review Notice No. 5- Operations and Maintenance.	**A. Abstract:** This is the fifth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the operations and maintenance requirements pertaining to rotorcraft and covered in Parts 43, 45, 61, 91, 121, 127, 133, and 135 of the Federal Aviation Regulations. Part 1 would also be amended to add a definition of a Class D rotorcraft-load combination. **B. CFR Citation:** 14 CFR pts. 43, 45, 61, 91, 121, 127, 133, and 135.	*Further action to be determined.*		

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		Action	Date	Cite
	C. Legal Authority: F.A.Act, Secs. 307, 313, 313(a), 314, 314(a), 501, 502, 601-610, 902, 1102, 1110, 1202 (49 U.S.C. 1341, 1348(a)(c), 1354(a) 1355, 1421(a), 1430, 1502, 1401, 1402, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716			
Transport Category Airplanes - Cabin Ozone Concentration.	**A. Abstract:** This proposed amendment would exempt operators of "cargo-only" aircraft and narrow-body two- and three-engine aircraft from installing ozone equipment or establishing ozone avoidance procedures. **B. CFR Citation:** 14 CFR pts. 25 and 121 **C. Legal Authority:** F.A.Act, Secs. 313, 313(a), 501, 601-610, 1102 (49 U.S.C. 1354, 1354(a), 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	11/23/81 10/82	46 FR 57442
Flight Crewmember Flight Time Limitations and Rest Requirements.	**A. Abstract:** Proposed amendment to revise the flight time limitations and rest requirements for flight crewmembers utilized by domestic, flag, and supplemental air carriers, commercial operators, air taxi operators, and scheduled air carriers with helicopters. The complexity of the current rule has required numerous interpretations and has been a burdensome requirement. A proposal is to be developed which is both less complex and less burdensome in compliance with Executive Order 12291. **B. CFR Citation:** 14 CFR pts. 121 and 135 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314(a), 501, 601-610, 1102 (49 U.S.C. 1354(a), 1355(a), 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	3/11/82 4/83	47 FR 10748
Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes.	**A. Abstract:** Would revise the aircraft/aircraft engine emissions standards to ensure compliance with revisions being made to the EPA standards. **B. CFR Citation:** 14 CFR pt. 21; SFAR 27 **C. Legal Authority:** F.A.Act, Secs. 313(a), 601(a) & 603 (49 U.S.C. 1354(a), 1421(a) & 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** E. Ballenzweig, (202) 755-8933	NPRM	3/83	
Temporary Flight Restrictions (Docket No. 22951).	**A. Abstract:** This proposal features provisions that would allow the Administrator to restrict all flight operations within a designated area under specified situations. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** F.A.Act, Secs. 307 & 313(a) (49 U.S.C. 1348, 1354(a)). **D. Effects on Small Entities:** No **G. Agency Contact:** Hal Becker, (202) 426-3656	NPRM FR	4/29/82 10/82	47 FR 18560
Southlake Aviation Cross-Country Requirements (Docket No. 21371).	**A. Abstract:** Petition to amend Part 61 to require one cross-country flight with landings at three points, each of which is 75 nautical miles from each of the other two points. The three legs must be more than 100 nautical miles in total length. **B. CFR Citation:** 14 CFR pt. 61 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 602 (49 U.S.C. 1354(a), 1355, 1421, 1422, 1655(a)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	12/12/81 10/82	46 FR 62638
Air Transport Association - Number of Attendants at Intermediate Stops (Docket No. 20843).	**A. Abstract:** This action would reduce by one-half the number of flight attendants required to remain on board the aircraft during intermediate stops when passengers remain on board. Current regulations are interpreted as providing that the required number of flight attendants must remain on board during these stops. **B. CFR Citation:** 14 CFR pt. 121 **C. Legal Authority:** F.A.Act, Secs. 313(c), 501, 601-610, 1102 (49 U.S.C. 1354(a), 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No	NPRM FR	1/21/82 11/82	47 FR 3068

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Title	Summary	Timetable		
		Action	Date	Cite
	G. Agency Contact: William J. Sullivan, (202) 755-8716			
General Aviation Manufacturers Association - Defer compliance date of §21.50(b).	**A. Abstract:** Petition to defer the compliance date of January 28, 1981, due to the inability of the general aviation manufacturers to produce maintenance manuals that would conform in all respects to the detailed provisions of the new FAR sections requiring instructions for Continued Airworthiness in time for the introduction of the 1982-1984 model airplanes, and until such time as the objectives and intent of the FAA in accord with the original amendment are clarified and made known. **B. CFR Citation:** 14 CFR pt. 21 **C. Legal Authority:** F.A.Act, Secs. 311, 313(a), 314, 601, 603, 607-609, 1102 (49 U.S.C. 1352, 1354, 1355, 1421, 1423, 1427, 1428, 1429, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	Further action to be determined.		
Designated Airworthiness Representatives.	**A. Abstract:** This project proposes to establish a designated airworthiness representative (DAR) to represent functions in the airworthiness disciplines of manufacturing, maintenance, and engineering. **B. CFR Citation:** 14 CFR pt. 183 **C. Legal Authority:** F.A.Act, Secs. 301(c), 305, 307(b), 313(a), 314 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), 1355). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	6/24/82 1/83	47 FR 27472
Robinson Helicopter Co. - Registration Marks for Helicopters (Docket No. 17528).	**A. Abstract:** Petition to permit the display of identification marks, N-numbers at least 12 inches high on rotorcraft fuselage sides, the same as for fixed-wing aircraft. It would also eliminate the 20-inch-high N-numbers on the bottom of rotorcraft and the 2-inch-high marks near the cabin now required by the Federal Aviation Regulations. **B. CFR Citation:** 14 CFR pt. 45 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 501, 502, 601, 603 (49 U.S.C. 1348, 1354, 1401, 1402, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	4/1/82 1/83	47 FR 14128
Deregulation of Parachuting	**A. Abstract:** This notice proposes to remove from the regulations those sections or references to sections pertaining to the airworthiness requirements of parachuting. It does not propose to remove those sections which deal with jumping within controlled airspace, over congested areas, or over open-air assemblies. The regulations governing parachuting were issued at a time when the unreliability of aircraft caused passengers to be dependent on parachutes. The reliability of today's aircraft makes dependence on parachutes unnecessary and, consequently, the regulations which govern them . **B. CFR Citation:** 14 CFR pts. 65, 91, 105, 149, and 183 **C. Legal Authority:** F.A.Act, Secs. 301(c), 305, 307, 307(b), 313(a), 314, 402, 601-603, 607, 902, 1110, 1202; 49 U.S.C. 1341(c), 1346, 1348, 1348(a)(b)(c), 1354(a), 1355, 1421, 1421(a), 1427, 1655(c). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	10/82	
Aircraft Owners and Pilot Association - Extend Validity of Airman Medical Certificates (Docket No. 19176).	**A. Abstract:** Petition to extend the validity period of third-class medical certificates from 24 months to 36 months. **B. CFR Citation:** 14 CFR pt. 61 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 602; 49 U.S.C. 1354(d), 1355, 1421, 1422, 1655(2). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	10/82	
Operation of U.S.-Registered Airplanes by Foreign Air Carriers.	**A. Abstract:** This project would amend the regulations to govern the operation by foreign air carriers and other operators of U.S.-registered civil airplanes which have a seating capacity of 20 or more passengers or a maximum payload capacity of 6,000 pounds or more.	NPRM	11/82	

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		Action	Date	Cite
	B. CFR Citation: 14 CFR pts. 125 and 129) **C. Legal Authority:** F.A.Act, Secs. 313, 313(a), 601-610, 1102 (49 U.S.C. 1354, 1354(a), 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716			
Airworthiness Certification Facility (Formerly "Representatives of the Administrator-Aircraft Certification")	**A. Abstract:** This notice would consolidate delegation of authority, DOA, DAS, and SFAR 36 into Part 183 in an "Approved Design Organization" concept and expand the concept to include the full range of organizations from manufacturing of transport-category aircraft to repair facilities. In addition, it would propose transfer of the respective regulatory requirements from Part 21 and SFAR 36 into Part 183. **B. CFR Citation:** 14 CFR SFAR 36, Parts 21 and 183 **C. Legal Authority:** F.A.Act, Secs. 301(c), 305, 307(b), 311, 313(a), 314, 601, 603, 607-609, 1102 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), 1355). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	1/83	
White-Diamond Corporation-Use of Nasal Oxygen Cannulas (Docket No. 21571).	**A. Abstract:** Petition to add a paragraph (a)(5) to §23.1447 stating that a nasal oxygen cannula may be used for pilots at or below 20,000 feet and for passengers at or below 22,000 feet instead of an oxygen mask covering the nose and mouth. **B. CFR Citation:** 14 CFR pt. 23 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *Earsa L. Tankesly,* 601 E. 12th St, Kansas City, MO 64106, (816) 374-6930.	NPRM	9/83	
Airworthiness Certification, Location of Aircraft.	**A. Abstract:** This action would amend the regulations to preclude issuance of airworthiness certificates for aircraft located outside the United States unless the Administrator finds no undue burden on the FAA. **B. CFR Citation:** 14 CFR pt. 21 **C. Legal Authority:** F.A.Act. Secs. 311, 313(a), 314, 601, 603, 607-609, 1102 (49 U.S.C. 1352, 1354, 1355, 1421, 1423, 1427-1429, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	11/82	
Revise Part 25 to Include Special Conditions.	**A. Abstract:** This action would review those special conditions issued for Part 25 airplanes and incorporate in Part 25 those that have not been previously incorporated. **B. CFR Citation:** 14 CFR pt. 25 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *James M. Walker,* NorthWest Mountain Region, 17900 Pacific Hwy South, C-68966, Seattle, WA 96168, (206) 764-7051.	NPRM	1/83	
Part 25 Certification Review	**A. Abstract:** This action would amend Part 25 to: (1) Ensure that airworthiness standards are stated as objectively as possible; (2) Relieve the regulatory burden where possible; and (3) Ensure the airworthiness standards are practicable for the smaller transport airplanes common to commuter operations. **B. CFR Citation:** 14 CFR pt. 25 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *Gary Killion,* NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 96168, (206) 764-7053.	NPRM	5/83	

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"Fly After Failure" Requirement.	**A. Abstract:** This ANPRM would request information necessary to conduct safety benefit, cost, environmental, and energy impact analyses for a proposed Part 25 requirement for continued safe flight and landing after failure of any single structural element. **B. CFR Citation:** 14 CFR pt. 25 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *Ivan Connelly,* NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 86188, (206) 764-7053.	ANPRM	1/83	
Implementation of SAFER Propulsion System Recommendations.	**A. Abstract:** This action would amend §25.975 to require fuel tank vent protection during ground fires and §25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in potential fire situation. **B. CFR Citation:** 14 CFR pt. 25 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *James M. Walker, NorthWest Mountain Region, 17900 Pacific Hwy South, C-68966, Seattle, WA 96168 (206) 764-7051 .*	NPRM	11/82	
*FY-1982 Miscellaneous Amendments.	**A. Abstract:** This action would amend various sections of the regulations. The proposed amendments are clarifying, editorial, or corrective in nature. **B. CFR Citation:** 14 CFR pts. 21, 65, 107, 121, 135, and 145 **C. Legal Authority:** F.A.Act, Secs. 311, 313-316, 501, 601-610, 1102 (49 U.S.C. 1352, 1354, 1354(a), 1355(a)-1357, 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	10/82	
*Airworthiness Regulation of Equipment Used for Airborne Recreational and Personal Purposes.	**A. Abstract:** This action is to determine what role the Federal Government should take in protecting the safety of individuals who have decided freely to participate in airborne recreational and personal activities by regulating the airworthiness of the equipment to be used. **B. CFR Citation:** 14 CFR pts. 21, 31, 43, 91 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 602, 603, 609, 610 (49 U.S.C. 1352, 1354, 1355, 1421, 1423, 1427, 1428, 1429, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	ANPRM	10/82	
*Reduction in 200-Hour Experience Requirements for an Instrument Rating Under Part 61.	**A. Abstract:** This action would amend § 61.65(a)(1) to delete the words "or commercial" and would amend § 61.65(e)(1) to decrease the required hours of pilot flight time. **B. CFR Citation:** 14 CFR pt. 61 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 607, (49 U.S.C. 1354(a), 1355, 1421, 1427). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	1/83	
*Amend § 45.13 to provide for Reaffixing TSO Article Labels.	**A. Abstract:** This amendment proposes provisions to reaffix labels on TSO articles processed in accordance with § 45.13. **B. CFR Citation:** 14 CFR pt. 45.13 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 501, 502, 601, 603, (49 U.S.C. 1348, 1354, 1401, 1402, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	3/83	

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Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
*National Association of Flight Instructors - Student Recreational, Recreational, Students Other Than Recreational, and Private Pilot Certificates.	**A. Abstract:** This petition proposes to establish a new concept in the certification of pilots to permit the issuance of a student recreational, a recreational, a student other than recreational, and a private pilot certificate. **B. CFR Citation:** 14 CFR pt. 61 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 602 (49 U.S.C. 1354(a), 1355, 1421, 1422, 1655(2)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	3/83	
*Revise Part 23 to Include Special Conditions.	**A. Abstract:** This action would review those special conditions issued for Part 23 airplanes and incorporate in Part 23 those that have not been previously incorporated. **B. CFR Citation:** 14 CFR pt. 23 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** Earsa L. Tankesley, 601 E. 12st St., Kansas City, MO 64106, (816) 374-6930.	NPRM	10/82	
*Amend Part 23 to Include Marking Requirements for External Openable Exits.	**A. Abstract:** This action would require opening instructions to be installed on the outside of the airplane for each exit that is operable from the exterior of the airplane. **B. CFR Citation:** 14 CFR pt. 23 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** Earsa L. Tankesley, 601 E. 12th St., Kansas City, MO 64106, (816) 374-6930.	NPRM	11/82	
*Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems.	**A. Abstract:** This action would amend Part 23 to include requirements for crash-resistant fuel tanks, lines and fittings. **B. CFR Citation:** 14 CFR pt. 23 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** Earsa L. Tankesley, 601 E. 12th St., Kansas City. MO 64106, (816) 374-6930.	NPRM	12/82	
*Amend Part 23 to Include Empennage Fatigue Requirements.	**A. Abstract:** This action would provide for fatigue integrity of small airplane empennage structure where present Part 23 fatigue requirements apply ony to the wing. **B. CFR Citation:** 14 CFR pt. 23 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** Earsa L. Tankesley, 601 E. 12th St., Kansas City, MO 64106, (816) 374-6930.	NPRM	2/83	
*Nontransponder Operations	**A. Abstract:** This notice proposes authority be given ATC to permit nontransponder operations in transponder-required airspace with as little as 1 hour notice. The proposal is seen as allowing both ATC and the pilot/operator to react to near term weather and traffic conditions. **B. CFR Citation:** 14 CFR 91.24 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601, 602, 603, 702, 1110, and 1202 (49 U.S.C. 1348, 1354(a), 1372, 1421, 1442, 1443, 1472, 1510, & 1522). **D. Effects on Small Entities:** No **G. Agency Contact:** Hal Becker, (202) 426-3656	FR	10/82	
*Part 71, Subpart A, Compulsory Reporting Points.	**A. Abstract:** Proposed removal of description of compulsory reporting points from the Federal Aviation Regulations. **B. CFR Citation:** 14 CFR pt. 71 **C. Legal Authority:** F.A.Act, Secs. 313(a), 307(a), and 1110 (49 U.S.C. 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** Sid Wugalter, (202) 426-8783	NPRM	9/82	

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Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
*Part 75, Jet Routes and Area High Routes.	**A. Abstract:** Proposed removal of Part 75 and all of its subparts from the Federal Aviation Regulations. This proposal would eliminate the processing of jet routes and area high routes from the rulemaking process. **B. CFR Citation:** 14 CFR pt. 75 **C. Legal Authority:** F.A.Act, Secs. 307(a), 313(a) & 1110 (49 U.S.C. 1348(a), 1354(a), 1510). **D. Effects on Small Entities:** No **G. Agency Contact:** Sid Wugalter, (202) 426-8783	NPRM	1/83	
†*Regulation of Motor Vehicles Carrying Passengers for Hire on Washington National Airport.	**A. Abstract:** Amendment to require taxicab drivers and other drivers of ground vehicles carrying passengers for hire to and from Washington National Airport to obtain a permit from the FAA Metropolitan Washington Airports. Regulation would prescribe procedures for issuance and revocation of permit. **B. CFR Citation:** 14 CFR pt. 159 **C. Legal Authority:** F.A.Act Secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94. **D. Effects on Small Entities:** Yes **G. Agency Contact:** Edward S. Faggen, Wash Nat'l Airport, Hangar 9, Wash., DC 20001, (703) 557-8123.	Further action to be determined.		
	Routine and Frequent Rulemakings			
	TOTAL ACTIONS EXPECTED			
Part 95 Instrument Flight Rules.	2500 **Agency Contact:** Don Tuna, (202) 426-8277		10/82-9/83	
Airworthiness Directives	300 **Agency Contact:** Jack McGrath, (202) 426–8192		10/82-9/83	
Standard Instrument Approach Procedures.	2800 **Agency Contact:** Don Tuna, (202) 426-8277		10/82-9/83	
Airspace Actions	525 **Agency Contact:** S. Wugaller, (202) 426-8783		10/82-9/83	

Review of Existing Regulations

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
• *Airport Layout Plan Approvals.	**A. Abstract:** This review will concentrate on Airport Layout Plan (ALP) approvals as required by Federal Aviation Regulation Part 152 in an effort to reduce the regulatory and paperwork burden on state and local governments. The ALP approval review was selected by the Presidential Task Force on Regulatory Relief. **B. CFR Citation:** 14 FR pt. 152 **C. Legal Authority:** 49 U.S.C. 1701 **D. Effects on Small Entities:** No **G. Agency Contact:** Paul Galis, (202) 426-3050	Completion of Review.	2/83	

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Review of Existing Regulations

Priority Reviews—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Rotorcraft Certification and Operating Rules.	**A. Abstract:** This will include a review of new flight control and associated system airworthiness for rotorcraft. Previous notices covered the applicability of rotorcraft certification, instrument flight rules (IFR) certification, and the certification of anti-icing and deicing equipment. This review is based on a number of proposals discussed at the Rotorcraft Regulatory Review held December 10-14, 1979, in New Orleans, La.; and the Rotorcraft Regulatory Review Meeting held August 18-20, 1980, in Washington, DC. **B. CFR Citation:** 14 CFR pts. 27, 29, 91, and 127 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 402, 601-605, 902, 72, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354, 1354(a), 1421, 1421(a), 1423-1425, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	Completion of review.	3/82	
Air Carrier Certification, Operating and Maintenance Rules. Elements of the review: Aircraft Requirements Manual Requirements Performance Limitations Airworthiness Requirements Instrument and Equipment Requirements Maintenance Requirements Airmen and Crewmember Requirements Training Programs Crewmember Qualifications Airplane Performance Operations Limitation Flight Time Limitations Flight Operations Dispatching and Flight Release Rules, Records, and Reports	**A. Abstract:** To evolve a single air transportation regulation from Parts 121 (Air Carrier, Supplemental Air Carrier, and Commerical Operators of Large Aircraft) and 135 (Air Taxi Operators and Commercial Operators) which would embody aviation safety policy procedures rather than using several different regulations for this purpose. This would eliminate inconsistencies within each rule which lends credence to the public complaint that the regulations too often are unduly complex, confusing, and difficult to understand. It would allow individual operators to conduct operations in the most efficient manner possible to meet established safety objectives and would reduce costs while retaining the highest level of safety. **B. CFR Citation:** 14 CFR pts. 121 and 135 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314(a), 601-610 (49 U.S.C. 1354a, 1355, 1421-1430). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	Completion of Review.	8/82	
Airmen Medical Standards.....	**A. Abstract:** These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During a recent rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce burdens, both on the FAA and airmen, associated with the processing of medical certificates. **B. CFR Citation:** 14 CFR pt. 67 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 607 (49 U.S.C. 1354(a), 1355, 1421, 1427). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan (202) 755-8716	Completion of Review.	6/84	

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Review of Existing Regulations

Other Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†*Noise Standards: Aircraft Type and Airworthiness Certification.	**A. Abstract:** Part 36 is needed in order to prescribe noise type certification of subsonic transport category airplanes and for the type certification of subsonic turbojet powered airplanes regardless of category. The legal basis for Part 36 is 49 U.S.C. 1431 (P.L. 85-726, Title IV § 611, as amended, P.L. 90-411, § 1, July 21, 1968, 82 Stat. 395). This review will examine the need to reorganize and realign the noise standards to make them more understandable and easier to use. This review would reorganize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other immprovements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Additionally, Part 36 will be reviewed in accordance with Executive Order 12291 to reduce regulatory burdens on the public, including the preparation of both a Regulatory Evaluation and a Regulatory Flexibility Analysis. **B. CFR Citation:** 14 CFR pt. 36 **C. Legal Authority:** F.A.Act, Secs. 313(a), 601, 603, 611 (49 U.S.C. 1354, 1421, 1423, 1431, 1655(c)). **D. Effects on Small Entities:** Yes **G. Agency Contact:** Richard Tedrick, (202) 755-9027	Completion of Review.	7/83	

Completed Actions

Priority Rulemakings: Non-Major

Title	Summary	Timetable		
		Action	Date	Cite
Hang Gliding (Docket No. 21631).	**A. Abstract:** This addition to the Federal Aviation Regulations designates general safety rules for hang gliding in order to accommodate increasing hang gliding activity in the National Airspace System. The addition is significant because it regulates a new user segment and is of substantial public interest. As a result of increased hang glider operations, reported near miss incidents with certified aircraft, and airspace/airport intrusions, regulation of hang glider and ultralight activities is necessary. **B. CFR Citation:** 14 CFR pt. 101 **C. Legal Authority:** Secs. 307, 313(a), 601(a), 602, and 603, Federal Aviation Act of 1958 (49 U.S.C. § § 1348, 1354(a), 1421(a), 1422, and 1423; Sec 6(c), Department of Transportation Act (49 U.S.C. § 1655(c); and 14 CFR 11.45). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** In 1974, the FAA issued an advisory circular recommending safety parameters for the operation of hang gliders. The FAA then began to monitor more closely the operation of hang gliders, with particular emphasis on their compatibility with other airspace users. Compromises in airspace safety were identified and, in response, an NPRM was issued on July 27, 1981 (46 FR 3847). The comment period closed November 25, 1981. **G. Agency Contact:** Hal Becker, (202) 426-3656	NPRM FR	7/27/81 9/2/82	46 FR 3847 47 FR 38770

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Completed Actions

Priority Rulemakings: Non-Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Operations Review Notice No. 14.	**A. Abstract:** Would have established regulations for flight and duty time limitations and rest requirements for flight attendants used by domestic, flag, and supplemental air carriers, commercial operators of large aircraft and air travel clubs. This proposal is considered a significant regulation because there is substantial public interest in it. Because flight attendants perform important duties relating to the safety of flight, flight and duty time limitations and rest requirements are necessary to prevent excessive fatigue from adversely affecting the performance of those duties. **B. CFR Citation:** 14 CFR pts. 121 and 123 **C. Legal Authority:** F.A.Act, Secs. 313(a), 601 and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** The proposals contained in this notice are based on related proposals discussed at the December 1975, Operations Review Conference. These proposals are undergoing review in accordance with E.O. 12291 to determine whether rulemaking should be initiated. *The Operations Review is being closed with issuance of Operations Review Amendments 11 and 12. Consequently, this project is cancelled, and the question of flight time limitations will be considered following completion of the separate NPRM on Flight Crewmember Flight Time Limitations and Rest Requirements (Notice No. 82-4; 47 FR 18748).* **G. Agency Contact:** William J. Sullivan, (202) 755-8716	*Project Canceled.*		
Special Issuance of Airman Medical Certificates and Revision of Cardiovascular and Alcoholism Standards (Formerly "Medical Standards and Certification; Issuance of Airman Medical Certificates for Certain Conditions").	**A. Abstract:** The FAA has proposed exemption procedures for the issuance of airman medical certificates to persons with certain medical conditions who do not initially qualify for certification under the medical standards in the Federal Aviation Regulations. It has also proposed to revise the medical standard for applicants who have a history or clinical diagnosis of heart disease. Comments on the proposed amendments indicate that they should be considered controverisal. The proposed amendments are needed to clearly set forth the criteria for obtaining an exemption, as they apply to particular kinds of diseases. Revision of the standard applicable to heart disease is needed to ensure that all individuals who may be subject to the adverse health effects of heart disease are screened during the initial application process for a medical certificate and that aviation safety is not compromised by the certification of any individual whose cardiovascular status represents an unacceptable risk. **B. CFR Citation:** 14 CFR pt. 67 **C. Legal Authority:** F.A.Act, Secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1422); Sec 6(c) of the Depratment of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.45). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** On December 1, 1980, the FAA issued Notice 80-24 (45 FR 80296; December 4, 1980), proposing these amendments. A public hearing on the proposals was held February 3 and 4, 1981. *The amendment was published April 15, 1982 (47 FR 16298).* **G. Agency Contact:** *William J. Sullivan, (202) 755-8716*	NPRM Public hearing FR	12/4/80 2/3-4/81 4/15/82	45 FR 80296 47 FR 16298

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Other Rulemakings

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Operations Review Notice No. 11 (Docket No. 21269).	**A. Abstract:** This proposal features provisions providing for the use of "mini-evacuation" tests, requirements for the elimination of the three-pointer altimeter in turbojet-powered airplanes, and allows for the use of "blocked seats" under certain conditions. The rules allowing "mini-evacuation" tests were adopted, and the proposal to allow use of "blocked seats" was withdrawn on November 10, 1981 (46 FR 61450). **B. CFR Citation:** 14 CFR pts. 121, 145, and 183 **C. Legal Authority:** F.A.Act, Secs. 301(c), 305, 307(b), 313, 313(a), 314, 501, 601-610, 1102; 49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), 1355, 1421-1430, 1502, 1655(c). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	1/19/81 8/2/82	46 FR 5484 47 FR 33384
Miscellaneous Minor Amendments (Docket No. 21129).	**A. Abstract:** Proposed nonsubstantive amendments that are routine, editorial and clarifying in nature. **B. CFR Citation:** 14 CFR pts. 23, 25, 37, 45, 61, 63, 65, 91, and 121. **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 314, 402, 601-610, 501, 502, 902, 1102, 1110, 1202. **D. Effects on Small Entities:** No **G. Agency Contact:** Wililam J. Sullivan, (202) 755-8716	NPRM FR	12/4/80 3/29/82	45 FR 80450 47 FR 33312
Major Repairs (Docket No. 21988).	**A. Abstract:** This notice proposes certain actions which will improve understanding of the term "major repair" and corollary terms used in relation to maintenance and repair procedures for aircraft, airframes, aircraft engines, propellers, and appliances. **B. CFR Citation:** 14 CFR pt. 43 **C. Legal Authority:** F.A.Act, Secs. 313, 601-605 (49 U.S.C. 1354, 1421-1425). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM Withdrawal	7/23/81 8/2/82	46 FR 38054 47 FR 33277
Airman and Repair Station Certification for Foreign Nationals. (Docket No. 22052).	**A. Abstract:** This proposed rule would establish a regulatory needs requirement and schedule of fees for issuance of airmen and repair station certificates to foreign nationals at overseas locations. **B. CFR Citation:** 14 CFR pts. 61, 63, 65, 67, 145 and 187 **C. Legal Authority:** F.A.Act, Secs. 65, 313, 313(a), 314, 601, 602, 607, 501 (49 U.S.C. 1341, 1343, 1344, 1346, 1348, 1354(a), 1355, 1421, 1422, 1427, 1655(2)). **D. Effects on Small Entities:** No **G. Agency Contact:** Kathleen W. Gorman, (202) 426-3230	NPRM FR	8/10/81 8/16/82	46 FR 40529 47 FR 35690
One-Engine Inoperative Ferry Flight Authorization (Docket No. 22530).	**A. Abstract:** This notice would allow Part 125 certifiate holders to conduct ferry flights with one engine inoperative without a special flight authorization. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354(a), 1421(a), 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	1/7/82 6/10/82	47 FR 818 47 FR 25116
†General Aviation Manufacturers Association-Flightcrew Requirements (Docket No. 21727).	**A. Abstract:** Petition to allow certain operations of large airplanes certificated under SFAR 41 with one pilot instead of two if the airplane is found safe for operation with one pilot. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348(a), 1354(a), 1421(a), 1655(c)). **D. Effects on Small Entities:** Yes **G. Agency Contact:** William J. Suliivan, (202) 755-8716	NPRM FR	1/28/82 7/15/82	47 FR 4092 47 FR 30946

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Israel Aircraft and Swearingen Petitions-SFAR 41 Zero Fuel Weight Limitation (Docket No. 21716).	**A. Abstract:** This notice proposes to reissue and amend Special Federal Aviation Regulation (SFAR) 41 (expired October 17, 1981) to eliminate the 12,500 pound maximum zero fuel weight restriction, to limit the number of passengers to 19 for those small multiengine airplanes that operate at a certificated takeoff gross weight of 12,500 pounds, and to reduce the landing distance requirement. **B. CFR Citation:** 14 CFR SFAR 41 **C. Legal Authority:** F.A.Act, Secs. 313(a), 601, 603 & 604 (49 U.S.C. 1354(a), 1421, 1423 & 1424). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Suliivan, (202) 755-8716	NPRM SFAR	3/4/82 8/12/82	47 FR 8360 47 FR 35150
Part 135 Management Personnel Qualifications.	**A. Abstract:** This action would elminate the requirements for management personnel for corporations with one pilot and transfer deviation authority from the Directors of Flight Operations and Airworthiness to Regional Flight Standards Division Chiefs. **B. CFR Citation:** 14 CFR pt. 135 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314(a), 601-610, 1102 (49 U.S.C. 1354(a), 1355(a), 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	FR	8/2/82	47 FR 33394
Ensuring Tachometer Accuracy.	**A. Abstract:** This action would ensure that mechanical tachometers are sufficiently accurate to permit engines and aircraft to be operated within required limitations. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	Project Canceled.		

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Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
14 CFR Part 91	**A. Abstract:** Part 91 is needed in order to prescribe the minimum safety standards for all classes of operators who operate within the aviation system. The legal basis for Part 91 is sections 313(a) and 601-610 of the Federal Aviation Act of 1958 (49 U.S.C. 1364(a) and 1421-1430) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). This review is examining the need to reorganize and realign the air traffic and general operating rules to make them more understandable and easier to use. The present regulations reflect the many changes that have occurred in aviation since the first set of aviation regulations were promulgated almost 50 years ago. This review would reorganize the subparts, organize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other improvements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Phase I would recodify the regulation into 10 subparts to make it easier to use. This effort has basically been completed. In Phase II substantive changes would be made to each subpart to clarify the existing rules, simplify the language, delete obsolete rules, and consider proposals not included in other review programs. Additionally, Part 91 will be reviewed in acordance with Executive Order 12291 to reduce regulatory burdens on the public. The review plan will focus on Phase II and, to a large extent will be dependent upon the results of the Phase I effort. This review has been completed and rulemaking initiated. See the "Current and Projected Rulemakings -- Other Rulemakings" section of the Agenda. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** 49 U.S.C. 1354 **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	Review Completed.		

Federal Highway Administration

FHWA

Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Minimum Cab Space Dimensions (Docket No. MC-79).	**A. Abstract:** This regulation would specify minimum sizes for the cab portion of the regulated commercial vehicles manufactured after a certain date. The rulemaking is significant because it has the potential of being costly if extensive changes to cab configuration become necessary. It is necessary because changes in truck technology and maximum limitation on size by States have led to the development of reduced cab space in favor of increased cargo space to remain within State length limitations. The impact on safe operations and driver workplace may be negatively affected. **B. CFR Citation:** 49 CFR pt. 393 **C. Legal Authority:** 49 U.S.C. 304 and 1655 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis	ANPRM Further action to be determined.	2/14/78	43 FR 6273

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Current and Projected Rulemakings

Priority Rulemakings: Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: An ANPRM was issued on February 14, 1978 (43 FR 6273). Comment period closed on July 14, 1978. A review of present cab sizes was conducted and a report issued on February 27, 1980. No further action anticipated until additional research is completed; earliest possible action will not occur within the next *6* months. **G. Agency Contact:** *Neill Thomas,* (202) 426-9767			
Review: Hours of Service of Drivers; Drivers' Logs.	**A. Abstract:** The Federal Highway Administration is proposing possible alternatives to the recordkeeping drivers' log requirement used to enforce the hours of service rules *in order to reduce burdens imposed on the trucking industry.* The drivers' log rulemaking was significant because it is a major paperwork burden item, and is presently the key means of enforcing a major safety rule. This action was needed as part of the Administration's efforts to reduce administrative burdens. **B. CFR Citation:** 49 CFR pt. 395 **C. Legal Authority:** 49 U.S.C. 304 **D. Effects on Small Entities:** Yes **E. Analysis:** *Regulatory Impact Analysis/Regulatory Flexibility Analysis.* . **F. Additional Information:** NPRM published on February 22, 1982 (47 FR 7702). **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM FR	2/22/82 Fall 1982	47 FR 7702

Priority Rulemakings: Non-Major

Title	Summary	Timetable		
		Action	Date	Cite
	PLANNING			
*Review: Urban Transportation Planning.	**A. Abstract:** These regulations govern urban transportation planning under FHWA and UMTA grant programs. The changes are intended to (1) increase flexibility at the State and local level, (2) reduce red tape and simplify the planning process especially for areas under 200,000 population, and (3) shift certain responsibilities from the Federal to the State and local level while maintaining an appropriate Federal oversight role. The rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the urban transportation planning process. **B. CFR Citation:** 23 CFR pt. 450; 49 CFR pt. 613 **C. Legal Authority:** 23 U.S.C. 134 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Notice and request for comments on comprehensive review of urban transportation planning process published on December 17, 1981 (46 FR 61531). An NPRM was published on August 26, 1982 (47 FR 37758) and the closing date for comments was October 25, 1982. **G. Agency Contact:** FHWA: Sam Rea (202) 426-2961; UMTA: Bob Kirkland (202) 426-4991.	Notice and request for comments on review. NPRM FR	12/17/81 8/26/82 1983	46 FR 61531 47 FR 37756

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Priority Rulemakings: Non-Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	ENGINEERING AND TRAFFIC OPERATIONS			
Review: Buy America Requirements (Docket No. 78-35).	**A. Abstract:** This amendment to an existing regulation would establish provisions for the protection of domestic structural steel on construction projects with an estimated cost of $450,000 or more. This regulation is significant because it involves a matter which may become controversial or arouse significant public interest. This regulation is required to implement the provisions of Section 401 of the Surface Transportation Assistance Act of 1978. **B. CFR Citation:** 23 CFR *635.410.* **C. Legal Authority:** Section 401 of the Surface Transportation Assistance Act of 1978; P.L. 95-599. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** A final regulation was issued under emergency procedures on November 17, 1978 (43 FR 53717). FHWA asked for comments, and the comment period closed on Janaury 17, 1979. An emergency amendment to the existing final rule was published on November 17, 1980 (45 FR 75643) in order to implement a recent court order. An NPRM was published on November 24, 1980 (45 FR 77456). The comment period closed on January 23, 1981. In accordance with E.O. 12291, FHWA has conducted a priority review of this controversial regulation. The regulation has been reclassified as a non-major significant regulation because the major economic impact ($100 million annual) earlier expected was not verifiable, and FHWA is unable to support the claim that the regulation is inflationary or to determine the amount of trade diverted. Also, the Federal-aid highway program uses less than one-half of one percent of total U.S. consumption of steel. **G. Agency Contact:** *Kenneth L. Ziems.* (202) 426-4847	Emergency FR and request for comments. NPRM FR	11/17/78 11/24/80 12/82	43 FR 53717 45 FR 77456
	RIGHT-OF-WAY AND ENVIRONMENT			
Review: Outdoor Advertising Control and Acquisition.	**A. Abstract:** This regulation would provide a definition of "effective control" of outdoor advertising as required by 23 U.S.C. 131. It would also set further requirements for signs exempt from control under the statute and establish the basic framework for State development of police power regulations and procedures. The regulation would also outline the requirements for Federal participation in the acquisition of compensable nonconforming outdoor advertising devices. This proposal is significant because it may involve substantial public interest, is controversial and involves important departmental policy. This regulation is necessary for the maintenance of national uniformity in the outdoor advertising control program. Since 23 U.S.C. 131 is regulatory in nature, it is necessary to establish and maintain minimum Federal program requirements. **B. CFR Citation:** 23 CFR pt. 750, subpt. C. (FHPM 7-6-2) **C. Legal Authority:** 23 U.S.C. 131, 148, and 315; 49 CFR 1.48 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation	To be withdrawn.		

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Priority Rulemakings: Non-Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: The proposal involves the consolidation of two existing regulations, 23 CFR pt. 750, subpts. D and G, and one interim regulation 23 CFR pt. 750, subpt E. The regulations have been in effect since September 16, 1975 and July 29, 1974, respectively. The interim regulations have been in effect since October 18, 1976. The proposed consolidation will be issued as an NPRM. An ANPRM, published April 30, 1979, (44 FR 25387) and a Notice, published, May 17, 1979, (44 FR 28946) announced public hearings as part of an overall review of the Highway Beautification Program. These currently proposed regulations may be modified as a result of this review. A Notice published June 15, 1979 (44 FR 34516) announced a hearing site change and a change in hearing procedures. On June 25, 1979 (44 FR 37100), a Notice announced amendments to the Highway Beautification Act by the Surface Transportation Assistance Act of 1978. A Notice published on July 12, 1979 (44 FR 40781) announced the establishment of a National Advisory Committee on Outdoor Advertising and Motorist Information. On July 23, 1979 (44 FR 43236), a Notice announced the availability of a report on Directional and Informational Sign Standards and Systems. This report is to be considered as part of the reassessment of the Highway Beautification Program. *Earliest* possible action will not occur within the next year. This proposal is being withdrawn at this time because no action can be taken until the recommendations of the Advisory Committee have been fully considered. **G. Agency Contact:** Myron Laible, (202) 245-0021			
*Review: Environmental Impact and Related Procedures.	**A. Abstract:** This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under FHWA and UMTA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. The amendments are significant because they involve important departmental policy. They are needed to reduce burdens associated with the environmental review process. **B. CFR Citation:** 23 CFR pt. 771, 49 CFR pt. 622 **C. Legal Authority:** 42 U.S.C. 4321 et seq., 23 U.S.C. 101 et seq., 49 U.S.C. 1601 et seq., 49 U.S.C. 1653(f). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Notice and request for comments on priority review of environmental process published on April 13, 1981 (46 FR 21620). **G. Agency Contact:** FHWA: R. E. Gatz, (202) 426-0106 UMTA: A. Marner, (202) 426-2360	Notice and request for comments on priority review. NPRM FR	4/13/81 10/82 1983	46 FR 21620
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Employee Safety and Health Standards (Docket No. MC-64).	**A. Abstract:** This regulation would provide safety and health standards to govern employees engaged in the operation, maintenance, and loading and unloading of motor vehicles, designed to eliminate uncertainty with regard to the jurisdictional authority of the Occupational Safety and Health Administration (OSHA). This proposal is significant because it may have a significant impact on OSHA. These standards are needed because they are designed to eliminate uncertainty with regard to the jurisdictional authority of the OSHA and to improve safety and health standards for employees of motor carriers. **B. CFR Citation:** 49 CFR pt. 399 **C. Legal Authority:** 49 U.S.C. 304 and 1653 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation	NPRM Further action to be determined.	3/2/78	43 FR 8566

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Priority Rulemakings: Non-Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: An NPRM was issued March 2, 1978 (43 FR 8566) and the closing date for the comment period was May 31, 1978. A notice on June 9, 1978 (43 FR 25145) extended the comment period to June 30, 1978. As a result of the analysis of the comments, another NPRM is being considered. No further action is anticipated within the next 12 months. **G. Agency Contact:** *Neill Thomas,* (202) 426-9767			

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
	GENERAL MANAGEMENT AND ADMINISTRATION			
Administrative Hearings	**A. Abstract:** This rule is proposed to provide a general procedure for administrative hearings. This proposed rule would allow the Administrator to initiate administrative proceedings on discretion, or on complaint, and would govern procedure under such proceedings. **B. CFR Citation:** 23 CFR pt. 20 **C. Legal Authority:** 23 U.S.C. 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Hugh T. O'Reilly, (202) 426-0780	NPRM	1982	
	CIVIL RIGHTS			
*Review: Civil Rights Requirements.	**A. Abstract:** These regulations contain the policies, procedures and guides for implementing equal employment opportunity requirements under the Federal and Federal-aid highway programs. The changes are intended to eliminate unnecessary requirements, streamline procedures and reduce recordkeeping and reporting requirements. **B. CFR Citation:** 23 CFR pt. 230; FHPM 6-4-1-2, 2-2-2, and 2-2-3. **C. Legal Authority:** 23 U.S.C. 140 and 315; EO 11246 **D. Effects on Small Entities:** No **G. Agency Contact:** Edward W. Morris, Jr., (202) 426-0471	Notice and request for comments on priority review. NPRM	4/13/81 Spring 83	46 FR 21620
	PLANNING			
Review: Carpool and Van Pool Projects.	**A. Abstract:** This regulation revision reflects the required changes brought about by the Surface Transportation Assistance Act of 1978 plus related program modifications. **B. CFR Citation:** 23 CFR pt. 656; FHPM 4-8-3 **C. Legal Authority:** 23 U.S.C. 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Barbara Reichart, (202) 426-0210	NPRM FR Effective date delayed. FR Withdrawn pending further review under EO 12291. FR	12/10/79 1/8/81 Early 1983	44 FR 70753 46 FR 2298 46 FR 10706 46 FR 19232

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Highway Planning Program Administration (Docket No. 78-24).	**A. Abstract:** This revision to an existing regulation would reflect policy changes in management of the highway planning and research program, e.g., allowing separate projects for components of the program (urbanized area planning, statewide planning, research and development), and applying matching rates to time periods rather than a fiscal year fund, etc. NPRM was published January 11, 1979 (44 FR 2400). As a result of comments received to the Docket, as well as internal coordination, FHWA is considering combining this regulation with 23 CFR Part 450, Subpart B, Metropolitan Planning Funds, since both deal with program administration. **B. CFR Citation:** 23 CFR pt. 420, Subpart A and pt. 450, Subpart B, FHPM 4-1-2-1. **C. Legal Authority:** 23 U.S.C. 104, 307, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** R.B. Puckett, (202) 426-0175	NPRM Further action to be determined.	1/11/79	44 FR 2400
Review: Payback Regulation Amendments.	**A. Abstract:** Federal Highway Administration regulations in 23 CFR Part 480 prescribe the circumstances under which states must repay the Federal Government for the Federal contribution to the purchase of property for Interstate highway projects that are later withdrawn. Congress, in Public Law 96-106, amended 23 U.S.C. 103(e) to change the circumstances under which repayment must be made. This revision to an existing regulation would incorporate the legislative changes in 23 CFR Part 480. **B. CFR Citation:** 23 CFR pt. 480 **C. Legal Authority:** 23 U.S.C. 103(e)(5)(6); Sec 2(c) of P.L. 96-106. **D. Effects on Small Entities:** No **G. Agency Contact:** C.L. Shufflebarger, (202) 426-0404	NPRM Further action to be determined.	11/20/80	45 FR 76705
*Review: Coordination of Federal and Federally Assisted Programs and Projects.	**A. Abstract:** This revision would implement Executive Order 12372 and related OMB implementing instructions regarding intergovernmental review of Federal programs. **B. CFR Citation:** 23 CFR pt. 420 C **C. Legal Authority:** E.O. 12312 **D. Effects on Small Entities:** No Engineering and Traffic Operations. **G. Agency Contact:** Sam Rea, (202) 426-2961	NPRM	82	
	ENGINEERING AND TRAFFIC OPERATIONS			
Selection of Pavement Type	**A. Abstract:** This regulation would set forth policy for the selection of pavement type on Federal-aid projects. **B. CFR Citation:** 23 CFR pt. 626; FHPM 6-2-4-4 **C. Legal Authority:** 23 U.S.C. 109(a), (b) and (c) **D. Effects on Small Entities:** No **G. Agency Contact:** Leon M. Noel, (202) 426-0327	ANPRM *Further action to be determined.*	8/21/80	45 FR 55763
Review: Design and Construction Criteria for Bikeway Construction (Docket No. 79-3).	**A. Abstract:** This regulation establishes design and construction guidelines for bikeways. **B. CFR Citation:** 23 CFR pts. 652 and 663 **C. Legal Authority:** Sec 141, P.L. 95-599; 23 USC 217, 315 and 402(b)(1)(F). **D. Effects on Small Entities:** No **G. Agency Contact:** Jack Wasley, (202) 426-0306	ANPRM NPRM FR	2/8/79 8/4/80 1983	44 FR 7979 45 FR 51720

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Design Standards for Highways (Docket No. 80-2).	**A. Abstract:** This regulation would amend the existing geometric design standards for highways for the new construction and major reconstruction of Federal-aid highways by replacing several publications incorporated by reference in 23 CFR Part 625 with a single new publication. Public comments were requested on the geometric design criteria as presented in a draft of the new *publication,* "A Policy on Geometric Design of Highways and Streets" prepared by the American Association of State Highway and Transportation *Officials (AASHTO). Comments* received as a result of NPRM published February 14, 1980 (45 FR 10236) have been evaluated and recommended changes submitted to AASHTO for consideration. Notice regarding status of proposed rule published November 17, 1980 (45 FR 75690); it indicated further rulemaking action is not anticipated before Fall 1982. *Based on the current AASHTO development schedule, submission of a final document to FHWA is not anticipated until late 1983 or early 1984* . **B. CFR Citation:** 23 CFR pt. 625, FHPM 6-2-1-1 **C. Legal Authority:** 23 U.S.C. 109, 315, and 402 **D. Effects on Small Entities:** No **G. Agency Contact:** Wilson B. *Harkins* (202) 426-0313	NPRM Status Notice FR	2/14/80 11/17/80 1984	45 FR 10236 45 FR 75690
Design and Construction Requirements for Highway Pedestrian Overpasses and Underpasses.	**A. Abstract:** This regulation would develop standards for the design and construction of pedestrian overpasses and underpasses for accessibility and usability by physically handicapped persons (per March 7, 1979, Agreements with Architectural and Transportation Barriers Compliance Board). This regulation would follow the completion of the research in progress titled "Design Guidelines to Make Crossing Structures Accessible to the Physically Handicapped". **B. CFR Citation** **C. Legal Authority:** 29 U.S.C. 794 (Sec. 504 of the Rehabilitation Act of 1973, as amended); 23 U.S.C. 142 (Sec. 165(b) of the Federal-Aid Highway Act of 1973, as amended). **D. Effects on Small Entities:** No. **G. Agency Contact:** Larry King, (202) 426-0306 or Lee Burstyn, (202) 426-0761.	Further action to be determined.		
Review: Traffic Control Devices on Federal-Aid and Other Streets and Highways.	**A. Abstract:** This revision to an existing regulation prescribed the policies and procedures of FHWA relative to obtaining basic uniformity in the visible features and functioning of traffic control devices on all highways open to public travel in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways. **B. CFR Citation:** 23 CFR pt. 655: FHPM 6-8-3-1 **C. Legal Authority:** 23 U.S.C. 109(b)(d), 402(a) **D. Effects on Small Entities:** No **G. Agency Contact:** Donald P. Ryan, (202) 426-0411	NPRM FR Effective date delayed. FR withdrawn pending further review under E.O. 12291. Further action to be determined.	9/27 1/8/81 3/30/81	44 FR 55598 46 FR 2038 46 FR 10706 46 FR 19292
Review: Contract Procedures (Docket No. 78-16).	**A. Abstract:** This revision to an existing regulation would simplify Federal-aid contract procedures. **B. CFR Citation:** 23 CFR pt. FHPM 6-4-1-6 **C. Legal Authority:** 23 U.S.C. 112, 113, 114, 117, 128 **D. Effects on Small Entities:** No **G. Agency Contact:** K. L. Ziems, (202) 426-4847	NPRM Further action to be determined.	8/18/78	43 FR 36685
Review: General Materials Requirements.	**A. Abstract:** This regulation would simplify procedures relating to general material requirements for Federal-aid construction work. **B. CFR Citation:** 23 CFR pt. 635D FHPM 6-4-1-16 **C. Legal Authority:** 23 U.S.C. 112, 113, 114, 117, 128 **D. Effects on Small Entities:** No **G. Agency Contact:** K. L. Ziems, (202) 426-4847	NPRM Further action to be determined.	1/29/81	46 FR 9642

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Accommodation of Utilities.	**A. Abstract:** This revision to an existing regulation would update and simplify policies and procedures for accommodating utility facilities on the rights-of-way of Federal and Federal-aid highway projects. An NPRM was published April 17, 1980 (45 FR 26280). Review of comments received indicates that a new NPRM should be published. **B. CFR Citation:** 23 CFR pt. 645; FHPM 6-6-3-2 **C. Legal Authority:** 23 U.S.C. 123, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** J. A. Carney, (202) 426-0450	NPRM New NPRM	4/17/80 Fall 1982	45 FR 26280
Review: Utility Relocation, Adjustments and Reimbursement.	**A. Abstract:** This revision to an existing regulation would update and simplify the policies and procedures for the adjustment and relocation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Federal Highway Administration. **B. CFR Citation:** 23 CFR pt. 645: FHPM 1-4-4 **C. Legal Authority:** 23 U.S.C. 123, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** J. A. Carney, (202) 426- *0450*	ANPRM NPRM FR	3/8/79 11/20/80 11/82	44 FR 12209 44 FR 76924
*Review: Traffic Surveillance and Control (Docket No. 82-9).	**A. Abstract:** This regulation prescribes procedures and requirements for the expenditure of Federal-aid highway funds for traffic surveillance and control measures. The proposed revisions would significantly reduce the existing regulation in length and detail with certain unnecessary requirements deleted. **B. CFR Citation:** 23 CFR pt. 655; FHPM 6-8-3-4 **C. Legal Authority:** 23 U.S.C. 101(a), 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Robert Harp, (202) 426-0411	NPRM FR	6/14/82 Fall 82	47 FR 25541
	RIGHT-OF-WAY AND ENVIRONMENT			
Review: Relocation Assistance.	**A. Abstract:** This revision would reduce Federal requirements related to the relocation assistance program. *Priority review underway.* See "Review of Existing Regulations" portion of this Agenda. **B. CFR Citation:** 23 CFR pt. 740 **C. Legal Authority:** 42 U.S.C. 4601 et seq; 23 U.S.C. 315 **D. Effects on Small Entities:** No **G. Agency Contact:** *Flynn M. Wells* (202) 426-0116	NPRM	12/82	
Review: The Acquisition Function.	**A. Abstract:** This revision would reduce regulatory burdens and associated costs to State highway agencies in the area of acquisition of real property for rights-of-way on Federal-aid highway projects. **B. CFR Citation:** 23 CFR pt. 712 **C. Legal Authority:** 42 U.S.C. 2000d-1, 4633, 4651-4655; 23 U.S.C. 315, 323. **D. Effects on Small Entities:** No **G. Agency Contact:** Douglas A. Wubbels, (202) 426-0142	NPRM	12/82	
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Radioactive Materials Routing..	**A. Abstract:** This regulation exempts radioactive materials from the routing provisions contained in the Federal Motor Carrier Safety Regulations at 49 CFR 397.9. This action is necessary in order to prevent duplication of rules with RSPA's regulation on the same subject. Final Rule published January 8, 1981 (46 FR 2126); originally scheduled to go into effect on February 2, 1982. The RSPA rule has undergone priority review within the Department. See RSPA entry. **B. CFR Citation:** 49 CFR 397.9 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Joseph J. Fulnecky, (202) 426-0033	Further action to be determined.		

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Toxic Gases in Truck Cabs (Docket No. MC-80).	**A. Abstract:** This regulation would set maximum toxic gas levels in truck cabs. No further action is anticipated within the next *6* months. **B. CFR Citation:** 49 CFR pt. 392 **C. Legal Authority:** 49 U.S.C. 304 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	ANPRM NPRM Further action to be determined.	1/78 6/18/79	43 FR 120 44 FR 34992
Ambient Temperature in Heavy Duty Truck Cabs (Docket No. MC-81).	**A. Abstract:** This regulation would set maximum permissible ambient temperatures in truck cabs. No further action is anticipated within the next *6* months. **B. CFR Citation:** 49 CFR pt. 399 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	ANPRM Further action to be determined.	2/8/79	43 FR 5397
Review: Compliance with Motor Carrier Noise Standards.	**A. Abstract:** The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g. grassy areas. **B. CFR Citation:** 49 CFR **C. Legal Authority:** 49 USC 304 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	4/3/80	45 FR 22120
Review: Qualification of Drivers.	**A. Abstract:** The FHWA is considering revising the regulation which provides that no waiver for handicapped drivers will be granted to drivers of buses or trucks transporting hazardous materials. **B. CFR Citation:** 49 CFR 391.49 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	Request for comments. NPRM	6/12/80 10/82	45 FR 39672
Rear Vision Mirrors (Docket MC-82-1).	**A. Abstract:** This amendment would serve to clarify the rule change published May 1, 1979, and was developed in response to a rulemaking petition. No further action is anticipated within the next *6* months. **B. CFR Citation:** 49 CFR pt. 393 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	10/9/80	45 FR 87101
Review: Inspection, Repair, and Maintenance.	**A. Abstract:** The FHWA is proposing to amend Part 396 of the Federal Motor Carrier Safety Regulations (FMCSR) to exempt lightweight vehicles from the paperwork requirements of this part, to eliminate the special inspection required for vehicles leased less than 30 days, and to eliminate the requirement for drivers to sign a vehicle inspection report which, when reviewed, shows no defects. The primary effect of these proposed rule changes would be to reduce the paperwork burden imposed upon the motor carrier industry . **B. CFR Citation:** 49 CFR pt. 396 **C. Legal Authority:** 49 U.S.C. 304. 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	6/17/82	47 FR 26172
Review: Disqualifying Offenses Drugs.	**A. Abstract:** The FHWA is considering amending the Disqualification of Drivers regulation (49 CFR 391.15) by reviewing and enlarging that group of substances and drugs whose use by drivers operating commercial motor vehicles, is forbidden and is considered a disqualifying offense. **B. CFR Citation:** 49 CFR pt. 391 **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	11/24/80	45 FR 77466

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Review: The Use of 4-Way Flashers on Slow Moving Vehicles.	**A. Abstract:** This action will consider changing existing regulations to allow the use of 4-way flashers to warn of potential hazards, and was developed in response to a rulemaking petition. No action is anticipated on this change within the next *6* months. **B. CFR Citation:** 49 CFR 392.15 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	12/11/80	45 FR 81621
Written Examination	**A. Abstract:** The FHWA is considering a revision of the written examination requirement for commercial vehicle drivers. The options being considered are (1) rescission of the requirement, (2) leaving the requirement as it is and updating the questions, or changing the requirement to a pass/fail situation. **B. CFR Citation:** 49 C.F.R. 391.35 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	3/4/82	47 FR 4256
Retail Fertilizer Distribution Exemption.	**A. Abstract:** The FHWA proposes to exempt drivers and vehicles transporting fertilizer, dry and liquid, in specific fertilizer distribution and application equipment from the Federal Motor Carrier Safety Regulations with few exceptions. **B. CFR Citation:** 49 CFR pt. 390 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Jos. J. Fulnecky, (202) 426-0033	ANPRM Further action to be determined.	2/82	47 FR 5273
*Review: Notification, Reporting and Recording of Accidents.	**A. Abstract:** The proposed revision deals primarily with revising the truck and bus accident report forms. Being considered are (1) the consolidation of both forms into one, (2) reducing the number of copies to be filed and (3) raising the reporting threshold from the present $2,000 to a higher figure. **B. CFR Citation:** 49 CFR pt. 394 **C. Legal Authority:** 49 U.S.C. 304, 320, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** James K. O'Steen, (202) 426-1700	NPRM	Fall 1982	
*Railroad Grade Crossings	**A. Abstract:** The FHWA is considering a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. **B. CFR Citation:** 49 CFR 392.10 **C. Legal Authority:** 49 U.S.C. 304 **D. Effects on Small Entities** No **G. Agency Contact:** Neill L. Thomas, (202) 426-9767	ANPRM	Fall 1982	

Other Rulemakings: Routine and Frequent

Title	Summary	Timetable		
		Action	Date	Cite
	TOTAL ACTIONS EXPECTED—ENGINEERING AND TRAFFIC OPERATIONS			
Manual on Uniform Traffic Control Devices. 23 USC 109(b), (d), 402(a).	6 **Agency Contact:** J. C. Partlow, (202) 426-0411, *Donald P. Ryan* (202) 426-0411.	*6/83*		

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Current and Projected Rulemakings

Other Rulemakings: Routine and Frequent—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	RIGHT-OF-WAY AND ENVIRONMENT			
Relocation Assistance-Moving Payments-Moving Expense Schedules. (42 U.S.C. 4601 et seq; 23 U.S.C. 315, 23 CFR 740).	2 **Agency Contact:** *Gerald Starkweather (202) 426-0117*		1/83 10/82	
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Miscellaneous Amendments - Federal Motor Carrier Safety Regulations. (49 U.S.C. 304, 1655).	1 **Agency Contact:** Neill Thomas, (202) 426-9767		*10/82*	

Reviews of Existing Regulations

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
	ENGINEERING AND TRAFFIC OPERATIONS			
Buy America (23 CFR 635, 410).	**A. Abstract:** This regulation implements the requirements of the Surface Transportation Assistance Act of 1978 that requires that preference be given to items produced in the United States in FHWA funded projects. The regulation has been the subject of considerable criticism and controversy. The controversy centers on the extent that the domestic steel industry deserves the protection afforded it under the statute, whether sufficient domestic supplies exist and the increased costs resulting from using more expensive domestic products. **B. CFR Citation:** 23 CFR 635 **C. Legal Authority:** Surface Transportation Assistance Act of 1978. **D. Effects on Small Entities:** No **G. Agency Contact:** Ken Ziems, (202) 426-4847	Completion of Review.		
	RIGHT-OF-WAY AND ENVIRONMENT			
Relocation Assistance	**A. Abstract:** These regulations prescribe procedures for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted highway programs, and include provisions for relocation services, moving payments, replacement housing payments, mobile homes and last resort housing. The current procedures have been in effect for 5 years or more and are being reviewed to determine whether burdens imposed on grant recipients can be reduced. A notice of proposed rulemaking will be issued in *December* 1982 as part of the review effort. **B. CFR Citation:** 23 CFR pt. 740 **C. Legal Authority:** 42 U.S.C. 4601, et seq.; 23 U.S.C. 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Flynn M. Wells, (202) 426-0116	Completion of review.	10/82	

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[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	GENERAL MANAGEMENT AND ADMINISTRATION			
Statement of Policy as to Administrative Action to be Taken in Instances of Irregularities.	**A. Abstract:** The debarment policies of the FHWA are being reviewed to determine if revisions to their coverage and the specific administrative procedures employed are appropriate. **B. CFR Citation:** 23 CFR pt. 16 **C. Legal Authority:** 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Hugh T. O'Reilly, (202) 426-0780	Completion of review.	4/83	
	PAYMENT PROCEDURES			
Bond Issue Projects	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 140 **C. Legal Authority:** 23 USC 122, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Harvey Wood, (202) 426-0562	Completion of review.	10/82	
	ENGINEERING AND TRAFFIC OPERATIONS			
Required Contract Provisions - Federal-Aid Contracts.	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 633 **C. Legal Authority:** 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** K. L. Ziems, (202) 426-4847	Completion of review.	12/82	
Highway Construction Work to be Performed by Methods Other than Contract Awarded by Competitive Bidding.	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 635 **C. Legal Authority:** 23 USC 112 **D. Effects on Small Entities:** No **G. Agency Contact:** K. L. Ziems, (202) 426-4847	Completion of review.	12/82	
Authorization to Proceed to Physical Construction.	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 635 **C. Legal Authority:** 23 USC 112, 114 **D. Effects on Small Entities:** No **G. Agency Contact:** K. L. Ziems, (202) 426-4847	Completion of review.	12/82	
Advance Construction of Federal-Aid Projects.	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 630 **C. Legal Authority:** 23 USC 115 **D. Effects on Small Entities:** No **G. Agency Contact:** K. C. Kippley, (202) 426-0673	Completion of review.	12/82	
Motorist Aid Systems	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 655 **C. Legal Authority:** 23 USC 104, 105, 307, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Robert Harp, (202) 426-0411	Completion of review.	1983	
Project Agreements	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 630, subpart C **C. Legal Authority:** 23 USC 110 **D. Effects on Small Entities:** No **G. Agency Contact:** W. Besselieure, (202) 426-0450	Completion of review.	12/82	
	RIGHT-OF WAY AND ENVIRONMENT			
*Emergency Relief	**A. Abstract:** This regulation has been selected for review because of FHWA's policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 668 **C. Legal Authority:** 23 USC 101, 1201(f), 125, 315; 42 USC 5155.	Completion of Review.	12/82	

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Other Reviews—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	D. Effects on Small Entities: No **G. Agency Contact:** J. A. Carney, (202) 426-0450			
*Federal-Aid Program Approval and Authorization.	**A. Abstract:** This regulation has been selected for review because of FHWA's policy on minimization of redtape. **B. CFR Citation:** 23 CFR 630A **C. Legal Authority:** 23 USC 105, 106, 118, 134, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** J. A. Carney, (202) 426-0450	Completion of Review.	12/82	
*Contract Procedures - Claims and Claim Awards.	**A. Abstract:** This regulation has been selected for review because of the need to clarify existing requirements and promote consistency in participation determinations. **B. CFR Citation:** 23 CFR 635.120 **C. Legal Authority:** 23 USC 112 **D. Effects on Small Entities:** No **G. Agency Contact:** Tom Meyers, (202) 426-0420, or Jim Dann, (202) 426-0786.	Completion of Review.	4/83	
Landscape and Roadside Development.	**A. Abstract:** Consolidation and simplification of policies and procedures relating to highway landscaping and plant establishment, safety rest areas and information centers and systems, scenic strips in connection with Federal-aid highway projects, joint use and joint development, and access for the handicapped at Interstate rest area facilities. Response to comments on interim final regulations published May 5, 1978 (43 FR 19390). **B. CFR Citation:** 23 CFR pt. 752 **C. Legal Authority:** 23 USC 131, 319; 42 USC 4321, et seq **D. Effects on Small Entities:** No **G. Agency Contact:** Ken Rickerson, (202) 426-0314	Completion of Review.	12/82	
Right-of-Way - General	**A. Abstract:** This regulation was selected for review because FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 710 **C. Legal Authority:** 42 USC 4601 et seq. 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Douglas A. Wubbels, (202) 426-0142	Completion of Review.	10/82	
The Acquisition Function-General Provisions and Project Procedures-Functional Replacement of Real Property in Public Ownership.	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 712 **C. Legal Authority:** 42 USC 4633; 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Richard Moeller, (202) 426-0142	Completion of Review.	Fall 1982	
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Disqualification of Drivers (traffic records).	**A. Abstract:** Consideration is being given to a proposal that would require the disqualification of Interstate truck and bus drivers based on the driver's traffic or accident record. **B. CFR Citation:** 49 CFR pt. 391, subpart B **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	Completion of Review.	*10/82*	
The General Part of the Federal Motor Carrier Safety Regulations (FMCSR).	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape; to improve and simplify the regulations. **B. CFR Citation:** 49 CFR pt. 380 **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	Completion of review.	4/83	
Rear End Underride Protection.	**A. Abstract:** This regulation has been selected for review to improve rear end protection on heavy motor vehicles in conjunction with action taken by the National Highway Traffic Safety Administration on January 18, 1981.	Completion of review.	*4/83*	

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Other Reviews—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR pt. 393 **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767			
Selection of Motor Carriers for Survey.	**A. Abstract:** Publish criteria for selection of carriers for safety and hazardous materials surveys in response to a rulemaking petition. **B. CFR Citation:** 49 CFR pt. 385 **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** James Jeglum, (202) 426-1724	Completion of review.	10/82	
†Transportation of Migrant Workers.	**A. Abstract:** Improve procedures for ensuring safe transportation of migrant workers in interstate commerce. *The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act .* **B. CFR Citation:** 49 CFR pt. 398 **C. Legal Authority:** 49 USC 303, 304 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Neill Thomas, (202) 426-9767	Completion of review.	*10/83*	

Completed Actions

Priority Rulemaking: Major

Title	Summary	Timetable		
		Action	Date	Cite
	ENGINEERING AND TRAFFIC OPERATIONS			
Geometric Design Criteria for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways (Docket No. 80-3).	**A. Abstract:** This regulation *contains* criteria intended to provide additional flexibility in some of the basic geometric features of design, primarily those in which modification would result in appreciable savings in costs and other impacts while improving safety. This regulation is considered significant because the adoption of new design criteria specifically for RRR projects has proven to be controversial. This rulemaking was necessary to implement the 1976 amendment to 23 U.S.C. 101 redefining "construction" to include resurfacing, restoration, and rehabilitation. Geometric design criteria are needed to effectively administer a RRR program for preservation work on the Federal-aid highway systems. **B. CFR Citation:** 23 CFR pt. 625 **C. Legal Authority:** U.S.C. 101, 109, 315, and 402: 49 CFR 1.48(b). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis	ANPRM Withdrawal NPRM Correction NPRM Public meeting FR	8/25/77 1/9/78 8/23/78 9/12/78 1/5/81 2/3/81 6/10/82	42 FR 42876 43 FR 2374 43 FR37556 43 FR 40539 46 FR 1228 47 FR 25270

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Priority Rulemaking: Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: An ANPRM published August 25, 1977, (42 FR 42876) offered three alternatives. A Notice published October 28, 1977 (42 FR 56751) extended the comment period for the ANPRM to November 22, 1977. A notice of withdrawal of the ANPRM was published January 9, 1978 (43 FR 2734). Because of the adverse comments, all alternatives were rejected and FHWA decided to develop a new set of criteria for Resurfacing, Restoration, and Rehabilitation (RRR) projects. An NPRM was published on August 23, 1978 (43 FR 37556). A correction to the NPRM was published September 12, 1978 (43 FR 40539). A Notice published on October 19, 1978 (43 FR 48658). extended the comment period for the NPRM to January 4, 1979. On May 23, 1979 (44 FR 29921) FHWA published as a Notice a status report on the creation of an internal task force appointed to evaluate comments received on the NPRM and make recommendations to the Administrator. Another NPRM proposing a more flexible approach was published on January 5, 1981 (46 FR 1228). A public meeting was held on February 3, 1981. The public comment period closed on May 5, 1981. It should also be noted that the Presidential Task Force on Regulatory Relief has identified the existing design criteria regulation for regulatory review. *Final rule published on June 10, 1982 (47 FR 25270).* **G. Agency Contact:** Alvin R. Cowan or Kenneth Davis, (202) 426-0312.			

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
	ENGINEERING AND TRAFFIC OPERATION			
Rulemaking Procedures	**A. Abstract:** The proposed rule would incorporate the Federal Highway Administration's redtape reduction policy and provide procedures for processing petitions for rulemaking and related matters. Rulemaking action will be considered on the basis of anticipated legislation in this area. **B. CFR Citation:** 23 CFR **C. Legal Authority:** E.O. 12291, 5 U.S.C. 553 **D. Effects on Small Entities:** No **G. Agency Contact:** Stan Abramson, (202) 426-0761	*Action Terminated.*		
Review: Reimbursement for Railroad Work.	**A. Abstract:** This revision to an existing regulation would update and simplify certain selected policies, procedures and requirements on reimbursement to the States for railroad work done on projects undertaken pursuant to the provisions of 23 CFR pt. 646 B. **B. CFR Citation:** 23 CFR pt. 140; FHPM 1-4-8) **C. Legal Authority:** 23 USC 315; 23 CFR 646B **D. Effects on Small Entities:** No **G. Agency Contact:** J. A. Carney, (202) 426-0540	NPRM FR	9/14/81 8/5/82	46 FR 45744 47 FR 33952
Review: Traffic Safety in Highway and Street Work Zones.	**A. Abstract:** This revision modifies existing requirements to assure a reduction in the incidence of accidents occurring where two-way traffic is maintained on one roadway of a normally divided highway. **B. CFR Citation:** 23 CFR 630J; FHPM 6-4-2-12	NPRM FR	10/16/80 5/20/82	45 FR 68663 47 FR 2177

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 23 USC 109(b)(d), 315, 402(a) **D. Effects on Small Entities:** No **G. Agency Contact:** Kenneth L. Ziems, (202) 426-0450			
Pavement Structural Design Policy.	**A. Abstract:** This revision to existing regulation updated procedures design with rigid pavement structural design and participation. **B. CFR Citation:** 23 CFR pts. 625, 626; FHPM 6-2-1-1 and FHPM 6-2-4-1. **C. Legal Authority:** 23 USC 109(a)(b) and (c) **D. Effects on Small Entities:** No **G. Agency Contact:** Leon M. Noel, (202) 426-0327	FR	4/1/82	47 FR 13794
*Review: Contract Procedures; Subcontracting Requirements (Docket No. 78-16, Notice 2).	**A. Abstract:** This revision permits States to accept bids for Federal-aid highway construction work from contractors who perform as little as 30 percent of the contract with their own organizations as opposed to 50 percent under the existing regulation. Only the subcontracting procedures in Part 635, Subpart A of 23 CFR are affected. **B. CFR Citation:** 23 CFR 635.113; FHPM 6-4-1-6) **C. Legal Authority:** 23 USC 112, 113, 114, 117, 128; 42 USC 3334, 4231, 4231-4233, 4601 et seq.. **D. Effects on Small Entities:** No **G. Agency Contact:** K. L. Ziems, (202) 426-4847	NPRM FR	1/11/82 8/23/82	47 FR 1146 47 FR 36632
	RIGHT-OF-WAY AND ENVIRONMENT			
Review: Procedures for Abatement of Highway Traffic Noise and Construction Noise (Docket No. 78-33).	**A. Abstract:** This revision would make substantial reductions in the detailed procedures and interpretive information in the existing regulation. This is being done pursuant to the FHWA Regulation Task Force recommendations. **B. CFR Citation:** 23 CFR pt. 772; FHPM 7-7-3 **C. Legal Authority:** 23 U.S.C. 109(h)(i); 42 U.S.C. 4331, 4332 **D. Effects on Small Entities:** No **G. Agency Contact:** Jerry A. Reagan, (202) 426-4836	ANPRM ANPRM FR	12/6/78 12/7/81 7/8/82	43 FR 57161 46 FR 59550 47 FR 29653
Review: Guidelines for the Development of Environmental Action Plans.	**A. Abstract:** This revision proposes to rescind procedures for environmental action plans in order to eliminate duplication with environmental procedures issued under the National Environmental Policy Act. **B. CFR Citation:** 23 CFR pt. 795 **C. Legal Authority:** 23 USC 109(h), 128; 49 USC 1657(c)(1), 1651. **D. Effects on Small Entities:** No **G. Agency Contact:** Robert Bee, (202) 426-1033	NPRM FR	2/11/82 5/20/82	47 FR 6287 47 FR 21788
	FEDERAL MOTOR CARRIER REGULATIONS			
Highway Safety Programs: Determination of Effectiveness.	**A. Abstract:** NHTSA and FHWA are involved in a joint rulemaking to determine those highway safety programs that are the most effective in reducing accidents, injuries and deaths. The rulemaking is summarized in the NHTSA portion of the Agenda. **B. CFR Citation:** 23 CFR pt. 1205 **C. Legal Authority:** 23 USC 315, 401, 402 **D. Effects on Small Entities:** No **G. Agency Contact:** Howard Hanna, (202) 426-2131	NPRM FR	2/4/82 4/1/82	47 FR 5254 47 FR 15116
Assignment of Motor Carrier Safety Ratings (Docket No. MC-88).	**A. Abstract:** The Federal Highway Administration is responsible for determining and reporting to the ICC a safety rating for each carrier applicant seeking operating authority from the ICC. This regulation formalizes current procedures. **B. CFR Citation:** 49 CFR pt. 385 **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** James Jeglum, (202) 426-1724	NPRM FR	11/23/79 6/17/82	44 FR 67193 47 FR 2613
First Aid Kits on Buses (Docket No. MC-95).	**A. Abstract:** The FHWA has rescinded the requirement for first-aid kits on buses operated in Interstate or foreign commerce. This action is in keeping with the FHWA's goal of reducing and simplifying regulations which may be unnecessarily costly or burdensome.	ANPRM FR	9/25/80 4/26/82	45 FR 63535 47 FR 1782

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR 393.96 **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill L. Thomas, (202) 426-9767			

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
	CIVIL RIGHTS			
Civil Rights Requirements	**A. Abstract:** These regulations carry out program and employment nondiscrimination requirements under Title VI of the Civil Rights Act of 1964, Executive Order 11246, and other authorities. These regulations have requirements that may overlap or duplicate other civil rights rules, and also contain a number of recordkeeping and reporting requirements that need scrutiny. An effort to consolidate some of the employment requirements of these rules with similar UMTA and FRA requirements has been underway for several months. Review of the portion of Part 230 dealing with contract compliance should be coordinated with the review of programs of the Office of Federal Contract Compliance (OFCCP) in the Department of Labor, since FHWA's requirements implement OFCCP requirements. *A decision has been made to initiate rulemaking. See nonsignificant portion of agenda .* **B. CFR Citation:** 23 CFR pts. 200, 230 **C. Legal Authority:** Title VI of the Civil Rights Act of 1969, E.O. 11246. **D. Effects on Small Entities:** No **G. Agency Contact:** Edward W. Morris, Jr., (202) 426-0471	*Review Completed.*		
	PLANNING			
Urban Transportation Planning.	**A. Abstract:** These regulations govern the urban transportation planning process under the grant programs administered by FHWA and UMTA. The planning process is mandated by law and provides for a continuing, comprehensive and cooperative process in all urban areas of more than fifty thousand population. This review of the regulations is being conducted as part of a comprehensive review of the entire issue of urban transportation planning. A notice and request for comments on this comprehensive review was published by FHWA and UMTA on December 17, 1981. *A decision has been made to initiate rulemaking. See "Current and Projected Rulemakings—Priority Rulemakings: Non-Major" portion of the Agenda.* **B. CFR Citation:** 23 CFR pt. 450; 49 CFR pt. 613 **C. Legal Authority:** 23 U.S.C. 134 **D. Effects on Small Entities:** No **G. Agency Contact:** FHWA: Sam Rea, (202) 426-2961; UMTA: Bob Kirkland, (202) 426-4991.	*Review Completed.*		

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Title	Summary	Timetable		
		Action	Date	Cite
	FEDERAL MOTOR CARRIER SAFETY REGULATION			
†Hours of Service	**A. Abstract:** This regulation, little changed from its original version published 40 years ago by the ICC, limits the number of hours interstate truck drivers can drive and be on duty in a given day or week. Its rationale is that long hours mean tired drivers, and that tired drivers are more likely to be in accidents. The principal monitoring and enforcement device for this rule is the "driver's log," in which drivers record their activities. FHWA has been gathering data on the relationship between driver fatigue and accidents, and on the economic impact of changing the rule, pursuant to a 7 1/2-year-old rulemaking petition from a driver's group to further restrict hours of service. Litigation involving this regulation is also pending. A review is needed to focus on the safety justification for the present limitation, economic effects of relaxing present requirements, and most importantly, finding a less burdensome, more cost-effective enforcement mechanism than the driver's log. This review also analyzed the impacts on small entities in accordance with the Regulatory Flexibiltiy Act. Results of this review have been reflected in the Hours of Service docket closing notice published on September 3, 1981 (46 FR 44198). *See also "Current and Projected Rulemakings—Priority Rulemakings: Major" portion of Agenda for action regarding alternatives to the driver's log.* **B. CFR Citation:** 49 CFR pt. 385 **C. Legal Authority:** The legal basis for this regulation is 49 U.S.C. 304 and 1655. **D. Effects on Small Entities:** Yes **G. Agency Contact:** *Neill Thomas,* (202) 426-9767	*Review Completed.*		
†Notification, Reporting, and Recording of Accidents.	**A. Abstract:** This regulation establishes duties of motor carriers to make reports and keep records of accidents which occur during their operations. This regulation is needed to implement section 204(a) of the Interstate Commerce Act as amended (49 U.S.C. 304), relating to motor carrier safety concerned with accident reduction. This review is needed to determine whether burdens imposed on carriers can be reduced. It will also analyze the impacts on small entities in accordance with the Regulatory Flexibility Act. A decision has been made to initiate rulemaking. *See "Current and Projected Rulemakings: Other Rulemakings" portion of the Agenda.* **B. CFR Citation:** 49 CFR pt. 394 **C. Legal Authority:** 49 U.S.C. 304, 320, 1655 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *Neill Thomas,* (202) 426-9767	*Review Completed.*		

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
	PLANNING			
Appalachian Highway Procedures.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape; legislative change; policy decisions by the Appalachian Regional Commission. *Further action deferred until future of program is determined .* **B. CFR Citation:** 23 CFR pt. 633, subpart B **C. Legal Authority:** 40 USC App. 201, 402 **D. Effects on Small Entities:** No **G. Agency Contact:** *Sheldon G. Strickland, (202) 426-0153*	*Review Completed.*		

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Other Reviews—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	ENGINEERING AND TRAFFIC OPERATIONS			
Traffic Surveillance and Control.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See "Current and Projected Rulemakings: Other Rulemakings" portion of Agenda .* **B. CFR Citation:** 23 CFR pt. 655 **C. Legal Authority:** 23 USC 101(a), 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Robert Harp, (202) 426-0411	*Review Completed.*		
Water Supply and Sewage Treatment at Safety Rest Areas.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 650, subpart E **C. Legal Authority:** 23 USC 109(a), 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Stanley R. Davis, (202) 472-7690	*Review terminated.*		
Maximum Weight of Trucks on Interstate System Highway; Variable Load Suspension Axles; Dummy Axles; Interpretation and Application of the Bridge Formula.	**A. Abstract:** This regulation would provide guidance on the use of Variable Load Suspension Axles and Dummy Axles in the Bridge Formula, which is used to determine the maximum weight of motor vehicles permitted to use the Interstate System highway in accordance with 23 U.S.C. 127. **B. CFR Citation:** 23 CFR pt. 657 **C. Legal Authority:** 23 USC 127 **D. Effects on Small Entities:** No **G. Agency Contact:** David Oliver, (202) 426-0825	*Review terminated.*		
	RIGHT-OF-WAY AND ENVIRONMENT			
State Highway Department Responsibilities.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape *Review of 23 CFR 710 is reflected in consolidated entry for "Right of Way General" in the "Reviews of Existing Regulations: Other Reviews" section of the Agenda. .* **B. CFR Citation:** 23 CFR pt. 710 **C. Legal Authority:** 42 USC 4601 et. seq. 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Douglas A. Wubbels, (202) 426-0142	*Withdrawn*		
Reimbursement Provisions.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape. *Review of 23 CFR 710 is reflected in consolidated entry for "Right of Way General" in the "Reviews of Existing Regulations: Other Reviews" section of the Agenda .* **B. CFR Citation:** 23 CFR pt. 710 **C. Legal Authority:** 42 USC 4601 et. seq. 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Douglas A. Wubbels, (202) 426-0142	*Withdrawn*		
Civil Rights	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape *Review of 23 CFR 710 is reflected in consoldated entry for "Right of Way General" in the "Reviews of Existing Regulations: Other Reviews" section of the Agenda .* **B. CFR Citation:** 23 CFR pt. 710 **C. Legal Authority:** 42 USC 4601 et. seq. 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Douglas A. Wubbels, (202) 426-0142	*Withdrawn*		
Appraisal and Appraisal Review Policy.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 720 **C. Legal Authority:** 42 USC 4632, 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** *Douglas Wubbels,* (202) 426-0142	*Review terminated.*		
Junkyard Control and Abatement.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape. *No action considered necessary at this time.*	*Review terminated.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

FHWA

Completed Actions

Other Reviews—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 23 CFR pt. 751 **C. Legal Authority:** 23 USC 136, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Myron Laible, (202) 246-0021			
Land Service Facilities	**A. Abstract:** This regulaton was selected for review because of FHWA policy on minimization of redtape. The directive is no longer needed. **B. CFR Citation:** 23 CFR pt. 712 **C. Legal Authority:** 23 USC 108(a), 114, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Richard Moeller, (202) 426-0142	Review Completed.		
Mitigation of Environmental Impacts to Privately Owned Wetlands.	**A. Abstract:** This regulation was selected for review because of response to comments received on interim final rule published July 31, 1980 (45 FR 50728). **B. CFR Citation:** 23 CFR pt. 777 **C. Legal Authority:** 42 USC 4321, et seq.; 23 USC 109(h), 138 **D. Effects on Small Entities:** No **G. Agency Contact:** Charles DesJardins, (202) 426-9173	Review Terminated.		
On-Premise Signs	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape. *No action considered necessary at this time.* **B. CFR Citation:** 23 CFR pt. 750 **C. Legal Authority:** 23 USC 131 **D. Effects on Small Entities:** No **G. Agency Contact:** Myron Laible, (202) 245-0021	Review terminated.		
	PUBLIC TRANSPORTATION			
Non-Urbanized Area Public Transportation.	**A. Abstract:** This regulation was selected for review to update and simplify current procedures; respond to comments received on regulations published on December 13, 1978 (43 FR 58308). *A State Management Plan Option Notice was published on February 8, 1982, in the Federal Register (47 FR 5835).* **B. CFR Citation:** 23 CFR pt. 25 **C. Legal Authority:** Sec. 18 of Urban Mass Transportation Act of 1964 as amended; 49 USC 1601 et seq. **D. Effects on Small Entities:** No **G. Agency Contact:** FHWA: Sheldon G. Strickland, (202) 426-0153 UMTA: *Douglas Kerr* (202) 472-7037.	*Review Completed.*		

National Highway Traffic Safety Administration

INFORMATION NOTICE

The National Highway Traffic Safety Administration (NHTSA) has ordered the items that appear in the Agenda as follows. Proposals and regulations in this Agenda are subdivided into three subject areas. Within each of the subject areas, the entries are listed, where possible, in order of CFR section being amended or established. Entries for which a CFR section has not been identified are listed at the end of each subject area in the order in which they have been added to the Agenda.

The first subject area is "Federal Motor Vehicle Safety Standards." The largest number of entries are in this area. These entries are listed by order of the safety standard being amended or established, since those numbers correspond to CFR section numbers. The second subject area is "Fuel Economy Standards and Exemptions." The third subject area is "Regulations Other Than Safety Standards and Fuel Economy Standards/Exemptions".

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda. •Presidential Task Force priority review.]

Title	Summary	Timetable		
		Action	Date	Cite
	FEDERAL MOTOR VEHICLE SAFETY STANDARDS			
†Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems) (Docket No. 79-03).	**A. Abstract:** Would establish a new brake standard for all trucks, buses and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as automatic brake adjustors, load-sensing proportioning valves, air driers, and retarders for heavy trucks, buses and trailers. This rule is considered significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability. **B. CFR Citation:** 49 CFR 571.121, 49 CFR 571.105 **C. Legal Authority:** 15 U.S.C. 1392, 1407, National Traffic and Motor Vehicle Safety Act of 1966, as amended. **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **F. Additional Information:** Two ANPRM's have been issued related to this rulemaking. The first was published February 15, 1979 (44 FR 9783; *Notice 1).* The second was published February 28, 1980 (45 FR 13155); *Notice 3* . **G. Agency Contact:** *R. Hitchcock* (202) 426-0842	ANPRM ANPRM Research underway.	2/15/79 2/28/80	44 FR 9783 45 FR 13155
Occupant Crash Protection (Docket No. 74-14).	**A. Abstract:** Rescinds the automatic restraint requirements of Standard No. 208. The rule is considered significant because of the impact on the automobile industry, and the significant level of public and congressional interest. It is necessary to take into account changed circumstances since the Standard was adopted in 1977. **B. CFR Citation:** 49 CFR 571.208 **C. Legal Authority:** National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1392, 1407). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis **F. Additional Information:** NPRM published April 9, 1981 (46 FR 21205; *Notice 22).* Comment period closed May 26, 1982. Public meetings held August 5 and 6, 1981. *FR published October 29, 1981 (46 FR 53419; Notice 25). This action is under court review. An opinion by the U.S. Court of Appeals (D.C. Cir.), dated June 1, 1982) reversed NHTSA's rescission. The agency was directed to submit a schedule for resolving issues raised in the court's opinion. NHTSA filed its response on July 1, 1982. On August 4, 1982, the court issued an order which established an effective date of September 1, 1983, for the standard. The agency was given until October 1, 1982, to advise the court whether such a compliance date is achievable. The agency is considering an appeal to the United States Supreme Court and/or further rulemaking proceedings. .* **G. Agency Contact:** Courtney Price, (202) 426-1810	NPRM Public Meetings FR *Under court review.*	4/9/81 8/5-6/81 10/29/81	46 FR 21205 46 FR 53419

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Current and Projected Rulemakings

Priority Rulemakings: Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
Bumper Standard (Docket No. 73-19).	**A. Abstract:** NHTSA has performed an evaluation of the bumper standard in terms of costs and benefits. In 1979 NHTSA issued a report that concluded that the 5 mph standard was justified. Based on the new evaluation of the bumper standard published in April 1981, *the Preliminary Regulatory Impact Analysis dated July 1981, and the Final Regulatory Impact Analysis dated May 1982,* NHSTA amended the bumper standard to reduce the impact speed requirements while retaining the bumper height requirements. This rulemaking is considered significant because of the level of interest shown by Congress and bumper manufacturers, and because of the cost impact to consumers. It is necessary to reassess various regulatory options to achieve the most cost-effective requirements. **B. CFR Citation:** 49 CFR pt. 581 **C. Legal Authority:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, (15 U.S.C. 1392, 1407) and Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1912). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis **F. Additional Information:** ANPRM published 3/1/79. (44 FR 11569). *Notice 25.* Report published June 1979. New evaluation published April 1981. Preliminary Regulatory *Impact* Analysis dated July 1981. NPRM published October 1, 1981 (46 FR 48262; *Notice 27*). Public meetings held October 22 and November 12. Comment period closed November 30, 1981. *Final Regulatory Impact Analysis dated May 1982. FR published May 20, 1982 (47 FR 21820; Notice 29). This action is under court review .* **G. Agency Contact:** *George Parker,* (202) 426-1740	NPRM FR *Under court review.*	10/1/81 5/20/82	46 FR 48262 47 FR 21820
†Crashworthiness Ratings (Docket No. 79-17).	**A. Abstract:** Ratings: Would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace. **B. CFR Citation:** 49 CFR Ch.5 **C. Legal Authority:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, and Motor Vehicle Information and Cost Savings Act, as amended, (15 U.S.C. 1401, Section 112(d); 15 U.S.C. 1941, Section 201(d)). **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **F. Additional Information:** NPRM published January 22, 1981 (46 FR 7025; Notice 1). Comment due date extended to October 22, 1981 by notice published April 2, 1981 (46 FR 19947; *Notice 2*). **G. Agency Contact:** *George Parker,* (202) 426-1740	NPRM Further action to be determined.	1/22/81	46 FR 7025
*Uniform Tire Quality Grading (Docket No. 25).	**A. Abstract:** Would suspend the treadwear test portion of the Uniform Tire Quality Grading Standards until tests can be conducted to determine the causes of, and possible solutions for, variation in treadwear grades which does not reflect true variation in tire performance. This rule is considered significant because of the level of public interest. It is needed to avoid dissemination of potentially misleading tire grading information to consumers and to minimize the imposition of unwarranted compliance costs on industry and consumers. **B. CFR Citation:** 49 CFR 575.104 **C. Legal Authority:** Section 203 of the National Traffic and Motor Vehicle Safety Act, (15 U.S.C. 1423). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation	NPRM Public Hearing FR	7/12/82 8/12/82 Fall 1982	47 FR 30084

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Current and Projected Rulemakings

Priority Rulemakings: Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: Public **G. Agency Contact:** George Parker, (202) 426-1740			

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
Controls & Displays (Docket No. 1-18).	**A. Abstract:** Would amend the standard to include several symbols adopted by the International Standards Organization (ISO). **B. CFR Citation:** 49 CFR 571.101 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM	1982	
Controls and Displays (Docket No. 1-18).	**A. Abstract:** Would amend the light intensity requirements of Standard No. 101-80 to permit informational readout displays to be used for telltales. **B. CFR Citation:** 49 CFR 571.101-80 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	2/1/82 Fall 1982	47 FR 4541
Hydraulic Brake Systems	**A. Abstract:** Would change the parking brake gradient requirement for school buses with a GVWR of 10,000 pounds or less from 30 percent to 20 percent, while maintaining the recently adopted more stringent effort limits. This change would make the parking brake requirements for school buses with a GVWR of 10,000 pounds or less the same as for other buses, trucks and multipurpose passenger vehicles within that weight class. **B. CFR Citation:** 49 CFR 571.105 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	Fall 1982	
Brake Hoses (Docket No. 81-18).	**A. Abstract:** Would amend test procedure to allow removal of certain items from brake assemblies when preparing assemblies for whip test. **B. CFR Citation:** 49 CFR 571.106 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	3/29/82 Fall 1982	47 FR 13176
Brake Hoses (Docket No. 82-02).	**A. Abstract:** Would consider amending portions of the standard that relate to adhesion properties of hose layers on air and vacuum brake hoses to allow an average value rather than an absolute minimum for meeting the adhesion specification. This action results from a petition for rulemaking. **B. CFR Citation:** 49 CFR 571.106 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	Notice granting petition for rulemaking. Further action to be determined.	2/18/82	47 FR 7293
Brake Hoses (Docket No. 82-09).	**A. Abstract:** Would permit labelling of metric-size brake hoses in metric units rather than inches. *This action results from a petition for rulemaking .* **B. CFR Citation:** 49 CFR 571.106 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 425-0842	NPRM FR	4/12/82 Fall 1982	47 FR 15612

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Rear Lighting and Signalling (Docket No. 81-02).	**A. Abstract:** Would establish requirement for a high mounted brake light. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	1/8/81	46 FR 2132
†Commercial Vehicle Conspicuity (Docket No. 80-9).	**A. Abstract:** Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commerical vehicles (excluding headlights). **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	ANPRM Further action to be determined.	5/27/80	45 FR 35405
*Brake Systems (Docket No. 79-18).	**A. Abstract:** Would propose a new brake standard compatible with the harmonized brake standard now being developed by the United Nations Economic Commission for Europe (ECE). Initial efforts are directed toward requirements for passenger cars. **B. CFR Citation:** 49 CFR Part 571 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM	1983	
Lamps, Reflective Devices, and Associated Equipment *(Docket No. 81-16)*.	**A. Abstract:** This proposal for a technical modification to FMVSS 108 would require that rear lamp reflex reflector tests be changed to require a 10 instead of a 7 inch test diameter size. The action results from a granted rulemaking petition. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM *FR*	10/13/81 Fall 1982	46 FR 50396
Lamps, Reflective Devices, and Associated Equipment.	**A. Abstract:** This notice for comments *relates to* a possible amendment to FMVSS No. 108 to modify headlamp configurations and for a possible addition of tests for plastic headlamps. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	1982	
Lamps, Reflective Devices, and Associated Equipment.	**A. Abstract:** Would delete the requirement for use of a "Test Bulb" with stringent filament location specifications in testing lamp assemblies. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	1982	
Lamps, Reflective Devices, and Associated Equipment.	**A. Abstract:** In response to a petition for rulemaking, would amend the standard to reduce from 12 to 8 square inches the minimum effective projected luminous lens area of rear stop and turn signal lamps for large vehicles 80 inches or more in overall width. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	1982	
Lamps, Reflective Devices, and Associated Equipment (Docket No. 82-04).	**A. Abstract:** In response to a petition for rulemaking, would provide an alternative location for front identification lamps on vehicles whose overall width exceeds 80 inches, allowing them to be mounted on the top of the vehicle. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	2/22/82 Fall 1982	47 FR 7911

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Lamps, Reflective Devices, and Associated Equipment (Docket No. 82-03).	**A. Abstract:** In response to a petition for rulemaking, would consider whether the cab of a vehicle is an acceptable alternative location for the mounting of clearance lamps. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	Further action to be determined.		
Rear View Mirrors (Docket No. 71-3a).	**A. Abstract:** This proposal would amend FMVSS 111 by establishing requirement for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. *FR to permit use of passenger side convex mirrors published. Remaining issues to be considered further by agency .* **B. CFR Citation:** 49 CFR 571.111 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	11/6/78 Fall 1982	43 FR 51657
Rearview Mirror Systems (Docket No. 71-3a).	**A. Abstract:** Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less. **B. CFR Citation:** 49 CFR 571.111 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	11/6/78	43 FR 51657
Rearview Mirror (Docket No. 81-21).	**A. Abstract:** In response to a petition for rulemaking, would permit the optional use of crossview mirrors of variable, short radius of curvature on school buses. **B. CFR Citation:** 49 CFR 571.111 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	12/10/81 Fall 1982	46 FR 60481
†Rearview Mirror Systems (Docket No. 71-3a).	**A. Abstract:** Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR over 10,000 pounds. **B. CFR Citation:** 49 CFR 571.111 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	11/6/78	43 FR 51657
Federal Vehicle Identification Number.	**A. Abstract:** Would change Federal Vehicle Identification Number requirement from a Federal Motor Vehicle Safety Standard to an administrative regulation. **B. CFR Citation:** 49 CFR 571.115 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	*1982*	
Power-Operated Window Systems (Docket No. 82-07).	**A. Abstract:** In response to a petition for rulemaking, would permit operation of power windows after the ignition has been turned off but only until a door has been opened. **B. CFR Citation:** 49 CFR 571:118 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	4/1/82 Fall 1982	47 FR 13845
Tire Selection and Rims, Non-Passenger Cars. (Docket No. 80-16).	**A. Abstract:** These technical amendments would clarify existing requirements or resolve minor specific technical problems. **B. CFR Citation:** 49 CFR 571.120 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Final rule	10/30/80 Fall 1982	45 FR 71834

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Air Brake Systems (Docket No. 79-03).	**A. Abstract:** Would delete the requirement in Standard No. 121 for a separate reservoir capable of releasing parking brakes. **B. CFR Citation:** 49 CFR 571.121 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	7/23/81	46 FR 37952
Motorcycle Controls	**A. Abstract:** Would permit the manual fuel cutoff control on a motorcycle to operate in a transverse vertical plane as an alternative to the current requirement for operation in a longitudinal vertical plane. **B. CFR Citation:** 49 CFR 571.123 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	1982	
*Motorcycle controls and displays.	**A. Abstract:** Would be amended to permit the use of words or symbols. **B. CFR Citation:** 49 CFR 571.123 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM	1983	
*Occupant Protection in Interior Impact (Docket No. 82-12).	**A. Abstract:** Would exempt school buses from the seat back requirements of Standard No. 201 since those vehicles are covered by the seat back requirements of Standard No. 222. **B. CFR Citation:** 49 CFR 571.201 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	6/10/82 Fall 1982	47 FR 25169
Impact Protection for the Driver from the Steering Control system. *(Docket No. 81-10))* .	**A. Abstract:** This technical amendment would revise the test requirements of FMVSS 203 to permit force loads in excess of 2,500 pounds for a cumulative period not to exceed 3 milliseconds. **B. CFR Citation:** 49 CFR 571.203 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM *FR*	10/1/81 Fall 1982	46 FR 48260
†Steering Control Rearward Displacement.	**A. Abstract:** Would extend the applicability of the Standard from vehicles with an unloaded weight of 4,000 pounds to vehicles with an unloaded weight of 5,500 pounds. **B. CFR Citation:** 49 CFR 571.204 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	Further action to be determined.		
Glazing Materials *(Docket No. 81-04)* .	**A. Abstract:** Would update FMVSS 205 by referring to latest edition ofcompanion commercial standard (ANS Z-26), thereby permitting use of modern materials. **B. CFR Citation:** 49 CFR 571.205 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	7/29/82	47 FR 32749
†Glazing Materials (Docket No. 81-04).	**A. Abstract:** Would amend FMVSS No. 205 to adopt less stringent requirements for glass-plastic glazing materials. **B. CFR Citation:** 49 CFR 571.205 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchchock, (202) 426-0842*	ANPRM NPRM	1/26/82 Fall 1982	46 FR 8067
Seat Belt Assemblies (Docket No. 74-14).	**A. Abstract:** To improve seat belt comfort, convenience, reliability and effectiveness by prescribing parameters for performance of seat belt assemblies. Subject to review under Executive Order 12291. Final Rule in partial response to petitions for reconsideration deferring effective date from September 1, 1982, to September 1, 1983, published February 18, 1982 (47 FR 7254). NHTSA plans to respond *to the substantive portions of* petitions for reconsideration at a later date.	NPRM FR FR deferring effective date to 9/1/83. Further action to be determined.	12/20/79 1/8/81 2/18/82	44 FR 77210 46 FR 2064 47 FR 7254

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

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NHTSA

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR 571.208 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842			
Occupant Crash Protection (Docket 74-14).	**A. Abstract:** Would amend the standard to make fuel loading capacity requirements during compliance tests compatible with those of FMVSS No. 301 and thus reduce compliance test costs. **B. CFR Citation:** 49 CFR 571.208 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	1/28/82 Fall 1982	47 FR 4098
Seat Belt Assemblies (Docket No. 80-06).	**A. Abstract:** Would amend FMVSS 209 to modify resistance to light test procedures. *This action is in response to a petition for rulemaking. Subsequent to 1980 NPRM, new test procedures were developed, necessitating a new NPRM .* **B. CFR Citation:** 49 CFR 571.209 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM NPRM	6/1/80 Fall 1982	45 FR 29102
Seat Belt Assemblies (Docket No. 82-15).	**A. Abstract:** Would amend Standard 209 by *updating reference to a number of recommended practices and test procedures, incorporating by reference the latest versions of these documents, instead of earlier versions. Also seeks comments on possible revisions to the standard that would reduce the regulatory burden imposed by the standard without diminishing vehicle safety .* **B. CFR Citation:** CFR 571.209 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	7/22/82	47 FR 31712
Child Restraint Tether Anchorages. (Docket No. 80-18).	**A. Abstract:** Would require *lap belt and tether* anchorages for use with child restraint systems. **B. CFR Citation:** 49 CFR 571.210 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	12/11/80	45 FR 81625
†Motorcycle Helmets	**A. Abstract:** The proposal would *add new headform sizes to* FMVSS 218. **B. CFR Citation:** 49 CFR 571.218 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	Further action to be determined.		
School Bus Body Joint Strength (Docket No. 73-34).	**A. Abstract:** Would amend FMVSS 221 to modify the exempt status of maintenance access panels. **B. CFR Citation:** 49 CFR 572.221 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	11/27/81	46 FR 57939
School Bus Seat Spacing (Docket No. 73-03).	**A. Abstract:** Would amend 49 CFR 571.222 to permit increased school bus seat spacing. **B. CFR Citation:** 49 CFR 571.222 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	2/25/82 Fall 1982	47 FR 2831
Truck Rear Underride Protection (Docket No. 1-11).	**A. Abstract:** Would require protective devices to reduce vehicle penetration under the rear-ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices). **B. CFR Citation:** 49 CFR; pt. 571 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	1/8/81	46 FR 2136

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
†Flammability of School Bus Interior Materials.	**A. Abstract:** Would utilize guidelines prescribed by UMTA to define flammability characteristics of School Bus Interior Materials. **B. CFR Citation:** 49 CFR Pt. 391 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** R. Hitchcock, (202) 426-0842	Further action to be determined.		
†Pedestrian Protection (Docket No. 78-19).	**A. Abstract:** Would reduce adult pedestrian leg injuries and child injuries through modification of the bumper area. **B. CFR Citation:** 49 CFR pt. 571 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	1/22/81	46 FR 7015
Seating Reference Point/ Motor Vehicle Driver's Eye Range (Docket No. 82-05).	**A. Abstract:** Would update the definition of Seating Reference Point to incorporate latest industry practices and amend Standards 103, 104, 107 and 111 to reference SAE Recommended Practice J941e, Motor Vehicle Driver's Eye Range, instead of an earlier version of that recommended practice. **B. CFR Citation:** 49 CFR pt. 571 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	ANPRM Further action to be determined.	3/8/82	47 FR 9865
	REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
†Fuel Economy Exemptions: Exemption from and Establishment of Fuel Economy Standards. (Docket No. LVM 82-01).	**A. Abstract:** Would establish alternate average fuel economy standards for low volume manufacturers for model years 1981 through 1985. **B. CFR Citation:** 49 CFR pt. 531 **C. Legal Authority:** 49 U.S.C. 1657; 15 U.S.C. 2002 **D. Effects on Small Entities:** Yes **G. Agency Contact:** R. Strombotne, (202) 426-0846	NPRM FR	5/13/82 Fall 1982	47 FR 20639
Anthropomorphic Test Dummies.	**A. Abstract:** Would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214. Side Door Strength, is upgraded. **B. CFR Citation:** 49 CFR Part 572 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	Further action to be determined.		
Tire Identification and Recordkeeping. (Docket No. 80-20).	**A. Abstract:** Would require ID on outward facing sidewall of motor vehicle tires. **B. CFR Citation:** 49 CFR pt. 574 **C. Legal Authority:** 15 U.S.C. 1392, 1401, 1407, 1418, 1421 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Action to be terminated.	12/15/80	45 FR 82293
*Consumer Information--Stopping Distance.	**A. Abstract:** Would modify requirements for stopping distance consumer information. **B. CFR Citation:** 49 CFR 575.101 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** George Parker, (202) 426-1740	NPRM	12/82	
Uniform Tire Quality Grading (Docket No. 25).	**A. Abstract:** Would amend the Uniform Tire Quality Grading Standards to prescribe a into tire grades. Also would expand the numerical increments used to denote treadwear grades. **B. CFR Citation:** 49 CFR Part 5755 **C. Legal Authority:** 15 U.S.C. 1423 **D. Effects on Small Entities:** No **G. Agency Contact:** *George Parker,* (202) 426-1740	NPRM Further action to be determined.	2/2/81	46 FR 10429
Uniform Tire Quality Grading....	**A. Abstract:** Would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards. **B. CFR Citation:** 49 CFR Part 575	Further action to be determined.		

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 15 USC 1423 **D. Effects on Small Entities:** No **G. Agency Contact:** *George Parker,* (202) 426-1740			
Uniform Tire Quality Grading (Docket No. 25).	**A. Abstract:** Would suspend the treadwear test portion of the Uniform Tire Quality Grading Standards until the agency can determine the causes of, and possible solutions for, variation in treadwear grades which does not reflect true variation in tire performance. This entry has been reclassified as a significant regulation. See new entry entitled "Uniform Tire Quality Grading" in the "Current and Projected Rulemakings: Priority Rulemakings -- Non-Major" portion of the Agenda . **B. CFR Citation:** 49 CFR 575.104 **C. Legal Authority:** 15 USC 1423 **D. Effects on Small Entities:** No **G. Agency Contact:** *George Parker,* (202) 426-1740	NPRM FR	7/12/82 Fall 1982	47 FR 30084
*Uniform Tire Quality Grading (Docket No. 25).	**A. Abstract:** Provides methods for determining rim size and tire loading for UTQG test procedures. This action was necessary because UTQG test procedures previously relied upon a portion of Table 1, Appendix A of Safety Standard No. 109, which was deleted in a previous agency rulemaking. **B. CFR Citation:** 49 CFR 575.104 **C. Legal Authority:** 15 U.S.C. 1423 **D. Effects on Small Entities:** No **G. Agency Contact:** George Parker, (202) 426-1740	Interim FR and request for comments. Further action to be determined.	6/15/82	47 FR 25930
*Uniform Tire Quality Grading (Docket No. 25).	**A. Abstract:** Makes a technical correction to the UTQG test procedures concerning factors to be used in determining the load under which tires are to be tested for traction. Also provides that, for a two-year period, tires whose test loads would change significantly as a result of the use of the treadwear, temperature resistance and traction load factors shall continue to be tested at the loads used in UTQG testing prior to June 14, 1982. **B. CFR Citation:** 49 CFR 575.104 **C. Legal Authority:** 15 U.S.C. 1423 **D. Effects on Small Entities:** No **G. Agency Contact:** George Parker, (202) 426-1740	Interim FR and request for comments. Further action to be determined.	8/6/82	47 FR 34990
*Uniform Tire Quality Grading (Dockets No. 25 and 80-14).	**A. Abstract:** Invites comments on using information either in privately published tire tables or in manufacturer submissions to the agency for determining loads for testing under both Federal Motor Vehicle Safety Standard No. 109 and the Uniform Tire Qulality Grading Standards. **B. CFR Citation:** 49 CFR 575.104 **C. Legal Authority:** 15 U.S.C. 1423 **D. Effects on Small Entities:** No **G. Agency Contact:** George Parker, (202) 426-1740	NPRM FR	8/19/82 Fall 1982	47 FR 36260
Consumer Information - Wet Stopping Distance.	**A. Abstract:** Would develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces. **B. CFR Citation:** 49 CFR 575.105 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *George Parker,* (202) 426-1740	Further action to be determined.		
†Vehicle Classification - Compact Vans/Station Wagons.	**A. Abstract:** Would invite comment on possible amendments to the safety and fuel economy regulations, with respect to the manner in which compact vans/station wagons and certain other vehicles are classified. **B. CFR Citation:** 49 CFR Pts. 571 and 523 **C. Legal Authority:** 15 U.S.C. 1392, 1407; 15 U.S.C. 2001 **D. Effects on Small Entities:** Yes **G. Agency Contact:** S. Wood, (202) 426-2992	Further action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Reviews of Existing Regulations

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Head Restraints	**A. Abstract:** This regulation which was promulgated in 1969, is designed to reduce the frequency and severity of neck injuries in passenger car accidents. It is estimated that the rule requires a recurring investment of $130 million (an additional cost of $19 per vehicle). **B. CFR Citation:** 49 CFR 571.202 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	*Evaluation report published. Comments requested.. Subsequent action to be determined.*	2/82	47 FR 7291
Side Impact Protection	**A. Abstract:** This regulation provides minimum standards for side door crash resistance for passenger cars under static test conditions. NHTSA estimates that the standard saves 2,800 lives and averts 7,000 injuries a year. A recurring cost of $300 million (an additional cost of $38 per vehicle) is associated with the requirement. An initial review of this regulation, originally promulgated in 1974, was completed in 1979. **B. CFR Citation:** 49 CFR 571.214 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	Fall 1982	
Lamps, Reflective Devices, and Associated Equipment.	**A. Abstract:** This standard, which is applicable to both motor vehicles and equipment, specifies requirements for original and replacement lamps, reflective devices, and associated equipment necessary for signaling and for the safe operation of motor vehicles during darkness and other conditions of reduced visibility. The standard is being reviewed because of its relatively high costs and to refine previous agency estimates of its effectiveness. *At the present time, the review is limited to the standards requirements for side marker lamps.* An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item . **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *Frank Ephraim, (202) 426-1574*	Completion of Review.	1983	
Fuel System Integrity	**A. Abstract:** This standard, which is applicable to passenger cars, school buses, and light trucks, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes. The standard is being reviewed to refine previous agency estimates of its effectiveness. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item .* **B. CFR Citation:** 49 CFR 571.301 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *Frank Ephraim, (202) 426-1574*	Completion of Review.	Fall 1982	

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Reviews of Existing Regulations

Priority Reviews—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Hydraulic Brake Systems	**A. Abstract:** This standard, which currently applies to passenger cars and school buses, specifies requirements for hydraulic service brake and associated parking brake systems. (The standard will become applicable, in modified form, to hydraulic braked trucks, all types of buses, and multipurpose passenger vehicles, in 1983. A priority review of this extension of the standard has already been completed). The purpose of the standard is to insure safe braking performance under normal and emergency conditions. The standard is being reviewed because of its relatively high costs, and the controversial nature of some of its requirements, as well as to refine previous agency estimates of its effectiveness. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. It should also be noted that the agency is actively involved with the Economic Commission for Europe (ECE) in international harmonization efforts in this area. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item .* **B. CFR Citation:** 49 CFR 571.105 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *Frank Ephraim, (202) 426-1574*	Completion of Review.	12/82	

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Side Door Strength	**A. Abstract:** This regulation was selected for review because of public interest. **B. CFR Citation:** 49 CFR 571.214 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Evaluation Report. Revised Report Completion of review.	8/30/79 1982 1983	44 FR 50878
Fuel System Integrity	**A. Abstract:** This regulation was selected for review because of cost, safety benefits and public interest. **B. CFR Citation:** 49 CFR 571.301 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1982	
School Bus Seating System	**A. Abstract:** This regulation was selected for review because of public interest. **B. CFR Citation:** 49 CFR 571.222 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1984	
Hydraulic Brakes	**A. Abstract:** This regulation was selected for review because of cost and safety benefits. **B. CFR Citation:** 49 CFR 571.105 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1982	
Lamps, Reflective Devices and Associated Equipment.	**A. Abstract:** This regulation was selected for review because of cost, and safety benefits.	Completion of Review.	1983	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

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Reviews of Existing Regulations

Other Reviews—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574			
Head Restraints	**A. Abstract:** This regulation was selected for review because of costs. **B. CFR Citation:** 49 CFR 571.202 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	*Evaluation report*. Completion of Review.	2/82 1982	
Seating Systems	**A. Abstract:** This regulation was selected for review because of costs. **B. CFR Citation:** 49 CFR 571.207 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1984	
Child Seating Systems	**A. Abstract:** This regulation was selected for review because of public interest. **B. CFR Citation:** 49 CFR 571.213 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1984	
Occupant Protection	**A. Abstract:** This regulation was selected for review because of cost, safety benefits and public interest. **B. CFR Citation:** 49 CFR 571.208 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	To be determined	
Impact Protection for the Driver from the Steering Control System and Steering Control Rearward Displacement.	**A. Abstract:** This regulation was selected for review because of safety benefits. **B. CFR Citation:** 49 CFR 571.203, 49 CFR 571.204 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Evaluation Report, published.. Completion of Review.	1/26/81 To be determined	46 FR 8066
Windshield Glazing Materials	**A. Abstract:** This regulation was selected for review because of costs, and safety benefits. **B. CFR Citation:** 49 CFR 571.20 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1983	
Windshield Mounting	**A. Abstract:** This regulation was selected for review because of costs, and safety benefits. **B. CFR Citation:** 49 CFR 571.212 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1983	

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NHTSA — Completed Actions

Priority Rulemakings: Non-Major

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Title	Summary	Timetable		
		Action	Date	Cite
	REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
Confidential Business Information (Docket No. 78-10).	**A. Abstract:** Codifies existing method of processing confidential information from manufacturers. *A review pursuant to Executive Order 12291 and the Department's Regulatory Policies and Procedures determined that this rule is not significant. Since this action is now complete, a separate entry has not been added to the "Other Rulemakings" portion of the Agenda.* The rulemaking was necessary to assure the manufacturers a more predictable process of information gathering and to streamline and speed up NHTSA use of data. **B. CFR Citation:** 49 CFR pt. 512 **C. Legal Authority:** 15 U.S.C. 2002, National Traffic and Motor Vehicle Safety Act of 1966, as amended, and the Motor Vehicle Information and Cost Savings Act, as amended, 15 U.S.C. 1381. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation *Due to the minimal impacts of this rule, the agency determined that a full regulatory evaluation was not required .* **F. Additional Information:** NPRM issued 5/25/78, (43 FR 22412; *Notice 1).* FR published January 8, 1981 (46 FR 2049; *Notice 3).* originally scheduled to go into effect on April 9, 1981, subject to review under Executive Order 12291. Notice deferring effective date to August 7, 1981, in order to allow NHTSA sufficient time to review and consider a petition for reconsideration published April 13, 1981 (46 FR 21617; *Notice 5).* Notice further deferring effective date to November 6, 1981, published August 10, 1981 (46 FR 40513; *Notice 6).* Notice further deferring effective date to June 1, 1982, published November 9, 1981 (46 FR 55266; *Notice 7). FR and response to petition for reconsideration published June 7, 1982 (47 FR 24587; Notice 8).* . **G. Agency Contact:** Frank Berndt, (202) 426-9511	NPRM FR Notice deferring effective date. Notice deferring effective date. Notice deferring effective date. FR and response to petition.	5/25/78 1/8/81 4/13/81 8/10/81 11/9/81 6/7/82	43 FR 22412 46 FR 2049 46 FR 21617 46 FR 40513 46 FR 55266 47 FR 24587

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
Lamps, Reflective Devices, and Associated Equipment. *(Docket No. 81-17)* .	**A. Abstract:** This proposal would remove the dimensional specifications for headlamp retaining rings. This action results from a granted rulemaking petition. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	10/13/81 6/10/82	46 FR 50394 47 FR 25150
Fields of Direct View (Docket No. 70-7).	**A. Abstract:** Would have established requirements (for passenger cars) for the maximum allowable size of obstructions in the field of view of drivers, and the luminous transmittance of glazing. Rule was scheduled to go into effect on September 1, 1984. Notice revoking standard in response to petitions for reconsideration published June 22, 1981 (46 FR 32254). In response to a petition for reconsideration of the revocation, an action entitled Reconsideration of Agency Action; Notice of Petitions for Reconsideration and opportunity to comment thereon was published September 21, 1982 (46 FR 46604). **B. CFR Citation:** 49 CFR 571.128 **C. Legal Authority:** 15 USC 1392, 1407	NPRM FR Revocation in response to petitions. Reconsideration of revocation in response to petitions and opportunity to comment. FR	11/6/78 1/2/81 6/22/81 9/21/81 6/17/82	43 FR 51677 46 FR 40 46 FR 32254 46 FR 46604 47 FR 26138

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	D. Effects on Small Entities: No **G. Agency Contact:** Notice 1). R. Hitchcock, (202) 426-0842			
†Side Door Strength (Docket No. 79-04).	**A. Abstract:** Would have upgraded FMVSS 214 requirements for passenger cars and extended the upgraded standard to light trucks, vans and MPVs. FMVSS 214 is undergoing priority review under Executive Order 12291. See entry in "Reviews of Existing Regulations" entitled "Side Impact Protection". Notice 1). **B. CFR Citation:** 49 CFR 571.214 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	ANPRM Public Meeting Termination	12/6/79 1/31- 2/1/80 7/12/82	44 FR 70204 47 FR 30084
Petitions under the Automobile Fuel Efficiency Act of 1980; Procedures Relating to Light Truck Fuel Economy Standards (Docket No. FE 82-01).	**A. Abstract:** Establishes requirements for the contents of petitions filed under the Automobile Fuel Efficiency Act of 1980 and for expanding the flexibility of manufacturers in determining how to group their vehicles for the purposes of compliance with the model year 1982 light truck fuel economy standards. **B. CFR Citation:** 49 CFR Parts 526 and 533 **C. Legal Authority:** 15 USC 2002, 2003 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Strombotne, (202) 426-0846	Interim FR and request for comments. FR	2/18/82 7/29/82	47 FR 7245 47 FR 32721
	REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
Fuel Economy Reporting Requirements (Docket No. FE 77-03).	**A. Abstract:** Would reduce the fuel economy reporting requirements manufacturers must comply with since some of those requirements are either duplicative or unnecessary for NHTSA's monitoring responsibilities. **B. CFR Citation:** 49 CFR Part 537 **C. Legal Authority:** 15 USC 2005 **D. Effects on Small Entities:** No **G. Agency Contact:** S. Wood, (202) 426-2992	NPRM FR	2/22/82 8/12/82	47 FR 7706 47 FR 34985
Consumer Information - Tire Reserve Load.	**A. Abstract:** Deletes tire reserve load information from consumer information requirements. **B. CFR Citation:** 49 CFR 575.102 **C. Legal Authority:** 15 USC 1392, 1401, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *George Parker,* (202) 426-1740	NPRM FR	9/17/81 6/7/82	46 FR 47100 47 FR 24593
Highway Safety Plan	**A. Abstract:** Deletes Volume 102, Highway Safety Plan from the CFR. **B. CFR Citation:** 23 CFR Pt. 1204 **C. Legal Authority:** 23 U.S.C. 402 **D. Effects on Small Entities:** No **G. Agency Contact:** Chuck Livingston, (202) 426-0837	Action complete		
Highway Safety Programs: Determination of Effectiveness (Docket No. 81-12).	**A. Abstract:** NHTSA and FHWA are involved in a joint rulemaking to determine those highway safety programs that are the most effective in reducing accidents, injuries and deaths. The objective *was* to establish new criteria for funding eligibility in the Department's Highway Safety Program. This action *was* required by section 1107(d) of the Budget Reconciliation Act of 1981. **B. CFR Citation:** 23 CFR Parts 1205, 1252 **C. Legal Authority:** P.L. 97-35; 23 U.S.C. 402 **D. Effects on Small Entities:** No **G. Agency Contact:** Chuck Livingston, (202) 426-0837	ANPRM NPRM Public Hearings FR	8/31/81 2/4/82 2/12/82 2/16/82 2/18/82 4/8/82	46 FR 43692 47 FR 5254 47 FR 15116

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NHTSA

Completed Actions

Other Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†Uniform Tire Quality Grading System.	**A. Abstract:** Requires motor vehicle and tire manufacturers and tire brand name owners to provide information indicating the relative performance of passenger car tires in the areas of treadwear, traction, and temperature resistance. Its purpose is to aid the consumer in making an informed choice in the purchase of passenger car tires, pursuant to section 203 of the National Traffic and Motor Vehicle Safety Act (15 USC 1423). **B. CFR Citation:** 49 CFR 575.104 **C. Legal Authority:** 15 U.S.C. 1423 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	*Review complete;* RFA not required.		
†Child Restraint Systems	**A. Abstract:** Specifies requirements for child restraint systems used in motor vehicles. Its purpose is to reduce the number of children killed or injured in motor vehicle crashes, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required .* **B. CFR Citation:** 49 CFR 571.213 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	Review Complete; RFA not required.		
†Lamps, Reflective Devices and Associated Equipment.	**A. Abstract:** A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item. See "Reviews of Existing Regulations: Priority Reviews" portion of Agenda for further information on this entry . **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *Frank Ephraim, (202) 426-1574*	Review complete with respect to RFA. RFA not required.		
†Fuel System Integrity	**A. Abstract:** *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item. See "Reviews of Existing Regulations: Priority Reviews" portion of Agenda for further information on this entry .* **B. CFR Citation:** 49 CFR 571.301 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *Frank Ephraim, (202) 426-1574*	Review completed with respect to RFA. RFA not required.		
†School Bus Passenger Seating and Crash Protection.	**A. Abstract:** Establishes occupant protection requirements for school bus passenger seating and restraining barriers. Its purpose is to reduce the number of deaths and the severity of injuries that result from the impact of school bus occupants against structures within the vehicle during crashes and sudden driving maneuvers, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required .* **B. CFR Citation:** 49 CFR 571.222 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	*Review complete. RFA not required.*		

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NHTSA

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Other Reviews—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Hydraulic Brake Systems	**A. Abstract:** This standard, which currently applies to passenger cars and school buses, specifies requirements for hydraulic service brake and associated parking brake systems. (The standard will become applicable, in modified form, to hydraulic braked trucks, all types of buses, and multipurpose passenger vehicles, in 1983. A priority review of this extension of the standard has already been completed). The purpose of the standard is to insure safe braking performance under normal and emergency conditions. The standard is being reviewed because of its relatively high costs, and the controverisal nature of some of its requirements, as well as to refine previous agency estimates of its effectiveness. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. It should also be noted that the agency is actively involved with the Economic Commission for Europe (ECE) in international harmonization efforts in this area. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item. See "Reviews of Existing Resolutions: Priority Reviews" portion of Agenda for further information on this entry . **B. CFR Citation:** 49 CFR 571.105 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *Frank Ephraim,* (202) 426-1574	Review Complete with respect to RFA. RFA not required.		
†Head Restraints	**A. Abstract:** Specifies requirements pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act for passenger car head restraints to reduce the frequency and severity of neck injuries in rearend and other collisions. A review has determined that this rule has minimal effects on small entities and therefore a Regulatory Flexibility Analysis (RFA) is not required. **B. CFR Citation:** 49 CFR 571.202 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	Review complete. RFA not required.		
†Glazing Materials	**A. Abstract:** Specifies requirments for glazing materials for use in motor vehicles and motor vehicle equipment. Its purpose is to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through vehicle windows in collisions. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required .* **B. CFR Citation:** 49 CFR 571.205 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	*Review completed* RFA not required.		
†Windshield Mounting	**A. Abstract:** Establishes windshield retention requirements for motor vehicles during crashes. Its purpose is to reduce crash injuries and fatalities by providing for retention of the vehicle windshield during a crash, thereby fully utilizing the penetration-resistance and injury-avoidance properties of the windshield glazing material and preventing the ejection of occupants from the vehicle. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required .* **B. CFR Citation:** 49 CFR 571.212 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen A. Kranidas, (202) 426-1600	*Review * completed. RFA not required.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

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Other Reviews—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†Seating Systems	**A. Abstract:** Establishes requirement for seats, their attachment assemblies, and their installation to minimize the possibility of their failure by forces acting on them as a result of vehicle impact. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required .* **B. CFR Citation:** 49 CFR 571.207 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen A. Kranidas, (202) 426-1600	*Review completed. RFA not required.*		
†Passenger Automobile Fuel Economy Standards.	**A. Abstract:** Establishes average fuel economy standards pursuant to sections 502(a) and (c) of the Motor Vehicle Information and Cost Savings Act, as amended, for passenger automobiles. Its purpose is to increase the fuel economy of passenger automobiles by establishing minimum levels of average fuel economy for those vehicles. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required .* **B. CFR Citation:** 49 CFR Part 531 **C. Legal Authority:** 15 U.S.C. 2002 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen A. Kranidas, (202) 426-1600	*Review completed. RFA not required.*		
†Light Truck Fuel Economy Standards.	**A. Abstract:** Establish average fuel economy standards pursuant to section 502(b) of the Motor Vehicle Information and Cost Savings Act, as amended, for light trucks. Its purpose is to increase the fuel economy of light trucks by establishing minimum levels of average fuel economy for those vehicles. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required .* **B. CFR Citation:** 49 CFR Part 533 **C. Legal Authority:** 15 U.S.C. 2002 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen A. Kranidas, (202) 426-1600	*Review completed. RFA not required.*		
†Controls and Displays	**A. Abstract:** Specified requirements for the location, identification, and illumination of motor vehicle controls and displays. Its purpose is to ensure the accessibility and visibility of motor vehicle controls and displays and to facilitate their selection under daylight and nighttime conditions, to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **B. CFR Citation:** 49 CFR 571.101-80 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen A. Kranidas, (202) 426-1600	*Review completed. RFA not required.*		
†*Air Brake Systems	**A. Abstract:** Establishes performance and equipment requirements on vehicles equipped with air brake systems, for service, emergency, and parking brake capability. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **B. CFR Citation:** 49 CFR 571.121 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		

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NHTSA

Completed Actions

Other Reviews—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†*Seat Belt Assembly Anchorages.	**A. Abstract:** Specifies the requirements for seat belt assembly anchorages to ensure effective occupant restraint and to reduce the likelihood of failure in collisions. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **B. CFR Citation:** 49 CFR 571.210 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		
†*Rearview Mirrors	**A. Abstract:** Specifies requirements for rearview mirrors to provide the driver with a clear and reasonably unobstructed view to the rear. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **B. CFR Citation:** 49 CFR 571.111 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		
†*Headlamp Concealment Devices.	**A. Abstract:** Specifies that any fully opened headlamp device shall remain fully opened whether either or both of the following occur: (a) any loss of power to or within the device or (b) any malfunction of wiring or electrical supply for controlling the concealment device. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **B. CFR Citation:** 49 CFR 571.112 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		

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FRA

Current and Projected Rulemakings

Priority Makings: Non-Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Strobe Lights on Locomotives (Docket No. RSGC-2).	*This rulemaking has been reclassified as "non-significant". See entry for "Alerting Lights on Locomotives" under "Other Rulemakings".*			

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
Railroad Noise Emission Compliance Regulations (Docket No. RNE-1).	**A. Abstract:** The proposed rule would amend FRA railroad noise emission compliance regulations to reflect EPA Standards for fixed railroad facilities that were published on January 4, 1980, and becomes effective on January 1, 1984. **B. CFR Citation:** 49 CFR pt. 210 **C. Legal Authority:** 42 USC 4916 **D. Effects on Small Entities:** No **G. Agency Contact:** Steve Urman, (292) 426-9178	NPRM	12/82	
Safety Standards for Cabooses (Docket No. RSC-76-6).	**A. Abstract:** The proposed rule would seek to establish comprehensive safety standards for cabooses. **B. CFR Citation:** 49 CFR 237 **C. Legal Authority:** 45 USC 431, 438 **D. Effects on Small Entities:** No **G. Agency Contact:** Robert E. Abbott, (202) 426-9186	Further action to be determined.		
Review: Safety Appliance Standards.	**A. Abstract:** Outgrowth of regulatory review in general safety inquiry. Revised standards for new and existing equipment. **B. CFR Citation:** 49 CFR pt. 231 **C. Legal Authority:** 45 USC 2, 4, 6, 8, 10, 11-16 **D. Effects on Small Entities:** No **G. Agency Contact:** Ralph R. Smith, (202) 426-9187	Further action to be determined.		
Review: Signal and Train Control Regulations.	**A. Abstract:** Outgrowth of regulatory review in general safety inquiry. Revision and updating of current requirements of Parts 235 and 236. **B. CFR Citation:** 49 CFR pts. 235, 236 **C. Legal Authority:** 49 USC 1226, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** S. H. Stotts, (202) 426-0912	NPRM	12/82	
Amendments to Regulations Implementing Section 905 of the 4R Act.	**A. Abstract:** This action would amend 49 CFR Part 265 to make changes necessitated by the promulgation of the Department of Transportation's comprehensive Minority Business Enterprise regulation (49 CFR Part 23). Part 265 will be revised to omit those provisions now covered in Part 23. **B. CFR Citation:** 49 CFR pt. 265 **C. Legal Authority:** Pub. L. 94-210 **D. Effects on Small Entities:** No **G. Agency Contact:** Mark H. Tessler, (202) 426-7737	NPRM	10/82	
Railroad Passenger Equipment Safety Standards (Docket No. RSSI-82-1).	**A. Abstract:** Development of initial passenger equipment safety standards mandated by Section 202 of the Federal Railroad Safety Act of 1970, as amended by P.L. 96-423. **B. CFR Citation:** 49 CFR 214 **C. Legal Authority:** 45 USC 431, 438 **D. Effects on Small Entities:** No **G. Agency Contact:** Leavitt A. Peterson, (202) 426-0895	Notice of Hearings. Public Hearings ... . NPRM	4/22/82 5/24,26,28 6/1, 3/82 9/82	47 FR 17302

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Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†Special Safety Inquiry	**A. Abstract:** FRA has initiated a Railroad Safety Inquiry to obtain information from the public to assist in evaluating and improving its safety regulatory program as it applies to "small railroads" The inquiry will also assist in meeting the goals of the Regulatory Flexibility Act by obtaining data that will assist in defining the economic impact of existing rules on small railroads (202) 426-0895. **B. CFR Citation:** Not Applicable **C. Legal Authority:** Pub. L. 96-354 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Leavitt A. Peterson, (202) 426-0895	Notice of Hearings. Public Hearings Further action to be determined.	8/3/81 9,10,11/81	46 FR 39461
Rules of Practice	**A. Abstract:** This proposed rule would amend 49 CFR Part 211 to respond to the provisions of the Regulatory Flexibility Act of 1980 by defining the criteria used by FRA in determining whether any regulatory proposal or final rule will have a significant economic impact on a substantial number of small entities. **B. CFR Citation:** 49 CFR pt. 211 **C. Legal Authority:** Pub. L. 96-354 **D. Effects on Small Entities:** No **G. Agency Contact:** Lawrence I. Wagner, (202) 426-8836	NPRM	10/82	
*Alerting Lights on Locomotives (Docket No. RSGC-2).	**A. Abstract:** The proposed rule would require locomotives to display a lighted warning device at public rail-highway crossings at grade. **B. CFR Citation:** 49 CFR 229 **C. Legal Authority:** 45 USC 22, 23, 28, 34; 49 USC 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Steve Urman, (202) 426-9178	ANPRM NPRM Withdrawal of NPRM. NPRM	3/7/78 6/18/79 4/15/82 10/82	43 FR 9328 44 FR 34982 47 FR 16189

Reviews of Existing Regulations

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Reducing Reporting and Recordkeeping Burdens.	**A. Abstract:** FRA has selected the following regulations to be reviewed to determine whether the substantial reporting and recordkeeping burdens they impose on the public, including small businesses, can be decreased or eliminated. **B. CFR Citation:** 49 CFR pts. 218, 228 **C. Legal Authority:** 45 USC 61-64(b); 49 USC 12, 20, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Lawrence I. Wagner, (202) 426-8836	Completion of Review.	10/82	
†Regulatory Flexibility Act Reviews.	**A. Abstract:** In accordance with the Regulatory Flexibility Act (RFA) review plan published in the *Federal Register* on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the *Federal Register* on August 3, 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads. **B. CFR Citation:** None **C. Legal Authority:** Pub. L. 96-354 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Lawrence I. Wagner, (202) 426-8836			

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Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Review: Power Brake Rules. (Docket No. PB-6).	**A. Abstract:** Outgrowth of regulatory review in general safety inquiry, the Department's priority review of costly and controversial regulations, and a joint rulemaking recommendation by the Association of American Railroads (AAR) and Railroad Labor Executives Association (RLEA). Revision and updating of current requirements. The rulemaking is significant because of an annual effect on the economy of $100 million or more. Because of changes in railroad operations and technological advances, the rules (49 CFR Part 232) need to be revised to make them consonant with the present railroad operating environment and to provide more flexibility in achieving safety and operating efficiency. **B. CFR Citation:** 49 CFR Part 232 **C. Legal Authority:** The Safety Appliance Acts (45 U.S.C. 9) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis **F. Additional Information:** General Safety Inquiry announced May 8, 1978 (43 FR 19696). Public hearings were held September 13 and 14, 1978. On November 6, 1981, the AAR and the RLEA submitted rulemaking recommendations. Based on those recommendations, the NPRM was published on February 18, 1982 (47 FR 7283). **G. Agency Contact:** Michael E. Chase, (202) 426-8836	General Safety Inquiry Notice. Public Hearings NPRM FR	5/8/78 9/13/78 9/14/78 2/18/82 8/23/82	43 FR 19696 47 FR 7283 47 FR 36792

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
Rail Services Assistance to States Under Section 5 of the DOT Act (FRA Economic Docket No. 4).	**A. Abstract:** This action would have amended to take into account changes to the Local Rail Service Assistance Act of 1978 made by the Staggers Rail Act of 1980 and the Omnibus Budget Reconciliation Act of 1981. FRA has determined that no regulatory action is necessary. **B. CFR Citation:** 49 CFR pt. 266 **C. Legal Authority:** 49 USC 1654 **D. Effects on Small Entities:** No **G. Agency Contact:** Jo Anne McGowan, (202) 426-1677	Withdrawn		

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Track Safety Standards (Docket No. RST-3).	**A. Abstract:** The revision is responsive to the joint recommendations of the Association of American Railroads and the Railway Labor Executives Association for updating the track safety standards. **B. CFR Citation:** 49 CFR pt. 213 **C. Legal Authority:** 45 USC 431, 438 **D. Effects on Small Entities:** No **G. Agency Contact:** Edward R. English, (202) 426-9252	NPRM FR	2/18/82 9/7/82	47 FR 7275 47 FR 39398
Transfer of Conrail Commuter Service Operations.	**A. Abstract:** The purpose of these regulations is to prescribe standards for the obligation of funds authorized under Section 1139(b) of the Northeast Rail Service Act of 1981, (Pub. L. 97-35) for the transfer of commuter service from Conrail to other operators as required by the Northeast Rail Service Act. These regulations also provide for the equitable distribution of the funds. An identical entry appears in the Urban Mass Transportation portion of this Agenda. **B. CFR Citation:** 49 CFR part 670 **C. Legal Authority:** Pub. L. 93-35 **D. Effects on Small Entities:** No **G. Agency Contact:** UMTA: Anthony A. Anderson, (202) 426-4011: FRA: William R. Fashouer, (202) 426-7710.	Emergency Interim FR and Request for Comments. FR	2/4/82 8/5/82	47 FR 5227 47 FR 33965
Amendments to State Participation Regulations. (Docket No. RSSP-3).	**A. Abstract:** Revises State Participation Regulations to reflect the broader scope of participation authorized by Section 206 of the Federal Railroad Safety Act of 1980, as amended by P.L. 96-423.. **B. CFR Citation:** 49 CFR 212 **C. Legal Authority:** 45 USC 431, 435 **D. Effects on Small Entities:** No **G. Agency Contact:** Dan Inabinett, (202) 426-9252	NPRM Public Hearing FR	6/25/81 7/30/81 9/16/82	46 FR 32888 47 FR 41048

UMTA

Urban Mass Transportation Administration

Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†"Buy America" Requirements of Surface Transportation Assistance Act of 1978.	**A. Abstract:** This rulemaking proposes amendments to the existing Buy America Requirements. The amendments would permit subcomponents manufactured in the United States that receive Customs Bureau tariff exemptions to retain their domestic identity for purposes of determination of origin under the Buy America Requirements. A definition of "final assembly" is also proposed. This rulemaking is significant because there is substantial public interest concerning these regulations because of their impact in urban mass transportation projects. These regulations are needed to implement section 401 of the Surface Transportation Assistance Act of 1978. **B. CFR Citation:** 49 CFR pt. 660 **C. Legal Authority:** 49 U.S.C. 1602 note; P.L. 95-599, Section 401. **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis.	NPRM Further action to be determined pending review of the existing 'Buy America" regulation.	1/18/81	46 FR 6815

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Urban Mass Transportation Administration

UMTA

Current and Projected Rulemakings

Priority Rulemakings: Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: The NPRM was published on January 19, 1981 (46 F.R. 6815). Comments on alternative approaches were invited until April 20, 1981. UMTA extended the comment period until May 20, 1981 (46 FR 23501). This NPRM is under Departmental review along with the existing "Buy America" regulation. Further action on this NPRM will depend on the results of that review. **G. Agency Contact:** Edward J. Gill, (202) 426-4011			

Priority Rulemakings: Non-Major

Title	Summary	Timetable		
		Action	Date	Cite
Regulation Implementing the Nondiscrimination Section of the Urban Mass Transportation Act.	**A. Abstract:** The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. This rulemaking is significant because substantial public interest is anticipated. Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation. **B. CFR Citation:** 49 CFR pt. 626 **C. Legal Authority:** Section 19 of the UMT Act (49 U.S.C. 1615) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in *March 1983.* **G. Agency Contact:** *Irvin H. Bromall,* (202) 426-6371	NPRM	3/83	
Exemption Procedures	**A.** *This entry was reclassified on March 19, 1982. See the "Current and Projected Rulemakings: Other Rulemakings" portion of the agenda for the new entry.*			
*Urban Transportation Planning.	**A. Abstract:** These regulations govern urban transportation planning under FHWA and UMTA grant programs. The changes are intended to (1) increase flexibility at the State and local level, (2) reduce red tape and simplify the planning process, especially for areas under 200,000 population, and (3) shift certain responsibilities from the Federal to the State and local level while maintaining an appropriate Federal oversight role. This rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the urban transportation planning process. **B. CFR Citation:** 23 CFR pt. 450; 49 CFR pt. 613 **C. Legal Authority:** 23 U.S.C. 104(f)(3), 134, and 315; Sections 3, 4(a) and 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603(a) and 1604); and 49 CFR 1.48(b) and 1.51(f). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Notice and request for comments on comprehensive review of urban transportation planning process published on December 17, 1981 (46 FR 61531). An NPRM was published on August 26, 1982 (47 FR 37758), and the closing date for comments was October 25, 1982. **G. Agency Contact:** UMTA: Bob Kirkland, (202) 426-4991 FHWA: Sam Rea, (202) 426-2961.	Notice and request for comments on review. NPRM FR	12/17/81 8/26/82 1983	46 FR 61531 47 FR 37758

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
*Environmental Impact and Related Procedures.	**A. Abstract:** This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under UMTA and FHWA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. This rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the environmental review process. **B. CFR Citation:** 23 CFR pt. 771, 49 CFR pt. 622 **C. Legal Authority:** 42 U.S.C. 4321 et seq., 23 U.S.C. 101 et seq., 49 U.S.C. 1601 et seq.; and 49 U.S.C. 1653(f). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Notice and request for comments on priority review of environmental process published on April 13, 1981 (46 FR 21620). An NPRM will be published in September 1982. **G. Agency Contact:** UMTA: Abbe Marner, (202) 426-2360; FHWA: Robert Gatz, (202) 426-0106.	Notice and request for comments on priority review. NPRM	4/13/81 12/82	46 FR 21620

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
†Charter Bus Regulations	**A. Abstract:** *These regulations provide information regarding the restrictions imposed by section 3(f) of the UMT Act (49 U.S.C. 1602(f)) on charter bus operations by UMTA recipients. UMTA originally published these regulations on April 1, 1976. (41 FR 14123). UMTA published an ANRPM on Janaury 19, 1981, that proposed extensive changes to the regulations. (46 FR 5394). The comment period closed on March 5, 1981. UMTA has reviewed the comments received and recognizes that there are many fundamental issues that need exploration and further development. Consequently, UMTA had decided to issue a new ANPRM rather than to continue to develop the previously issued ANPRM into an NPRM. This new ANPRM will provide a thorough reexamination of the Charter Bus Regulations and will propose various and wide-ranging alternatives for implementing section 3(f) of the UMT Act. Public comment on the various alternatives will be sought. After an analysis of the comments received, UMTA will issue an NPRM.* **B. CFR Citation:** 49 CFR pt. 604 **C. Legal Authority:** 49 U.S.C. 1602(f) and 1608(c); and 49 CFR 1.51. **D. Effects on Small Entities:** Yes **G. Agency Contact:** *Douglas G. Gold,* (202) 426-4011	*ANPRM* NPRM	10/12/82 2/83	47 FR 44795
Innovative Techniques and Methods Set-Aside.	**A. Abstract:** These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services under Section 4(i) of the UMT Act as amended. *UMTA will withdraw the NPRM and simultaneously publish program application instructions in the Federal Register.* Until then, however, the NPRM should be used as guidance. **B. CFR Citation:** 49 CFR pt. 644	NPRM To be withdrawn.	12/1/80	45 FR 79669

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA **Current and Projected Rulemakings**

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 49 U.S.C. 1603(i) **D. Effects on Small Entities:** No **G. Agency Contact:** Norm Ensrud, (202) 426-4684			
Miscellaneous Amendments - Organization, Functions, and Procedures.	**A. Abstract:** These amendments will reflect modifications in the organization and distribution of functions as well as changes in the delegations of authority within the Urban Mass Transportation Administration. **B. CFR Citation:** 49 CFR pt. 601 **C. Legal Authority:** 49 USC 1657 and 1659 **D. Effects on Small Entities:** No **G. Agency Contact:** Mary Pat Stephenson, (202) 426-4022	FR	11/82	
†Technology Introduction	**A. Abstract:** These regulations would implement Section 3(a)(1)(C) of the UMT Act of 1964, as amended, by prescribing policies and procedures for administering the grant program for projects that would introduce new technology into public transportation. UMTA has decided to withdraw this rulemaking activity and to issue it as non-regulatory policy guidance that will be published in the Notice section of the Federal Register. Until then, the January 19, 1981, NPRM should be used as guidance. **B. CFR Citation:** 49 CFR 641 **C. Legal Authority:** 49 U.S.C. 1602(a)(1)(c) **D. Effects on Small Entities:** Yes **G. Agency Contact:** Stephen Teel, (202) 426-9545	NPRM To be withdrawn.	1/19/81	46 FR 5832
Transfer of Conrail Commuter Service Operations.	**A. Abstract:** The purpose of these regulations is to prescribe standards for the obligation of funds authorized under Section 1139(b) of the Northeast Rail Service Act of 1981, (Pub. L. 97-35) for the transfer of commuter service from Conrail to other operators as required by the Northeast Rail Service Act. These regulations also provide for the equitable distribution of the funds. (An identical entry appears in the Federal Railroad Administration portion of the Agenda.). **B. CFR Citation:** 49 CFR pt. 670 **C. Legal Authority:** Pub. L. 97-35 **D. Effects on Small Entities:** No **G. Agency Contact:** UMTA: Anthony A. Anderson, (202) 426-4011: FRA: *William R. Fashouer,* (202) 426-7710.	Emergency interim FR. FR	2/4/82 8/5/82	47 FR 6227 47 FR 39965
†School Bus Operations	**A. Abstract:** *This regulation provides information regarding the restrictions imposed by section 3(g) of the UMT Act (49 U.S.C. 1602(g)) on the school bus operations by UMTA recipients. UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA is reviewing this regulation and at the conclusion of the review plans to issue an ANPRM that will propose several alternatives for implementing section 3(g) of the UMT Act. Although UMTA had planned to issue an NPRM, it has been determined, based on a preliminary review, that an ANPRM will be a more useful document since it will solicit comments on fundamental issues. Based on a review of the comments received on the ANPRM, UMTA will issue an NPRM..* **B. CFR Citation:** 49 CFR pt. 605 **C. Legal Authority:** 49 USC 1602(g), 1608(c)(6); 23 USC 103(e)(4), and 142(a), (c). **D. Effects on Small Entities:** Yes **G. Agency Contact:** *Douglas G. Gold,* (202) 426-4011	ANPRM NPRM	10/12/82 2/83	47 FR 44795
*Exemption Procedures	**A. Abstract:** This regulation would establish procedures to allow persons subject to existing UMTA regulations to petition for exemptions from those regulations. **B. CFR Citation:** 49 CFR pt. 602 **C. Legal Authority:** Section 12(a) of the UMT Act of 1964, as amended, 49 U.S.C. 1608(a). **D. Effects on Small Entities:** No **G. Agency Contact:** Jocelyn Karp, (202) 426-4011	NPRM	11/82	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA

Reviews of Existing Regulations

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†•Charter Bus Regulations	**A. Abstract:** These regulations provide more detailed information regarding the restrictions placed on charter bus operators under Section 3(f) of the Urban Mass Transportation Act (49 U.S.C. 1602). These regulations have been the subject of some controversy. In the past, UMTA received a considerable number of comments from the public on an advance notice of proposed rulemaking concerning these regulations. Because of the controversy and the impact of these regulations upon small business, their review is needed. **B. CFR Citation:** 49 CFR Part 604 **C. Legal Authority:** 49 U.S.C. 1602(f) and 1608(c)(6); 23 U.S.C. 103(e)(4),and 142(a) and (c). **D. Effects on Small Entities:** Yes **G. Agency Contact:** *Douglas G. Gold,* (202) 426-4011	*Completion of Review and ANPRM.*	10/82	
†Buy America Regulations	**A. Abstract:** This regulation implements the requirements of the Surface Transportation Assistance Act of 1978 that require that preference be given to items produced in the United States in UMTA funded projects. The regulation has been subject to considerable controversy centering on the extent that domestic industry should be protected and the increased costs resulting from using more expensive domestic products. **B. CFR Citation:** 49 CFR Part 660 **C. Legal Authority:** 49 U.S.C. 1602 note; P.L. 95-599, Section 401. **D. Effects on Small Entities:** Yes **G. Agency Contact:** Edward J. Gill, (202) 426-4011	Completion of Review.	10/82	

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
†School Bus Operations	**A. Abstract:** UMTA is reviewing this regulation as part of its overall effort to examine and evaluate the role of private enterprise in the UMTA program. The regulation is needed to provide guidelines under which recipients of UMTA funds can conduct school bus operations. This requirement is to implement Section 3(g) of the Urban Mass Transportation Act of 1964, as amended. **B. CFR Citation:** 49 CFR pt. 605 **C. Legal Authority:** 49 USC 1602 and 1608(c)(6); 23 USC 103(e)(4) and 142(a) and (c). **D. Effects on Small Entities:** Yes **G. Agency Contact:** *Douglas G. Gold* (202) 426-4011	Completion of Review and ANPRM.	10/82	
Uniform System of Accounts and Records and Reporting System.	**A. Abstract:** *The purpose of this regulation is to implement Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611). This provision requires UMTA to develop, test, and prescribe: 1) a reporting system to accumulate financial and operating information about public mass transportation by uniform categories; and 2) a uniform system of accounts and records. UMTA published the existing regulation on January 19, 1977 (42 FR 3772). UMTA is reviewing this regulation in an effort to reduce the red tape imposed on grantees, and to improve the effectiveness and increase the timeliness of information gathering and dissemination. (49 CFR Part 630).* **B. CFR Citation:** 49 CFR pt. 630	Completion of Review.	8/83	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA

Reviews of Existing Regulations

Other Reviews—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 49 USC 1611 **D. Effects on Small Entities:** No **G. Agency Contact:** Diane Pisano, (202) 426-9157			

Completed Actions

Priority Rulemakings: Non-Major

Title	Summary	Timetable		
		Action	Date	Cite
†Maintenance Requirements	**A. Abstract:** UMTA is considering a policy *statement* that would *encourage* each mass transit operator to maintain facilities and equipment purchased with UMTA funds consistent with practices necessary to adequately provide for safety, comfort, and preservation and expansion of transit service. *UMTA has reviewed the need for a regulation to follow the policy statement and has determined that it is unnecessary. Therefore, UMTA withdrew further action on this item on August 5, 1982. (47 FR 33965).* This rulemaking is significant because it concerns a matter on which there may be substantial controversy and it initiates a substantial change in policy. It is needed because there is a substantial Federal interest in assuring the maximum use of Federal money. The contemplated policy and regulation would: (a) increase performance and useful life of equipment and facilities; (b) minimize replacement costs; and (c) result in cost savings. **B. CFR Citation:** 49 CFR pt. 638 **C. Legal Authority:** Sections 3 and 5 of the UMT Act, as amended. **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **F. Additional Information:** ANPRM issued on January 21, 1981 (46 FR 6334). The comment period closed on May 22, 1981. *Based upon its review of comments received in response to the ANPRM, UMTA has determined that a regulation to follow the policy statement is unnecessary. Therefore, UMTA withdrew further action on this entry on August 5, 1982 (47 FR 33965).* **G. Agency Contact:** *Ronald J. Fisher,* (202) 426-4060	ANPRM Withdrawn	1/21/81 8/5/82	46 FR 6334 47 FR 33965

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA

Completed Actions

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Standards and Procedures for Third Party Contracts.	**A. Abstract:** These standards and procedures would provide guidance on third party contracting by recipients of Federal assistance from UMTA. They would implement OMB Circular A-102, Attachment B and Attachment O. *UMTA decided to withdraw further rulemaking action on this item and withdrew the previously published NPRM on August 19, 1982. (47 FR 36262). UMTA issued material on third party contracting in UMTA Circular 4220.1A, "Third Party Contracting Guidelines" on June 10, 1982. (47 FR 25239). This circular provides guidance to UMTA grantees in a flexible, non-regulatory format, while still ensuring compliance with applicable Federal procurement requirements. (49 CFR pt. 666).* **B. CFR Citation:** 49 CFR pt. 666 **C. Legal Authority:** 49 USC 1608 **D. Effects on Small Entities:** No **G. Agency Contact:** Arlen Eadle, (202) 426-2710	NPRM Withdrawn	9/29/79 8/19/82	44 FR 54513 47 FR 36262

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Claims Under the Federal Claims Collection Act.	**A. Abstract:** *UMTA has completed its review and determined that no immediate action is necessary to revise this regulation since it imposes no significant requirement not otherwise mandated by statute.* **B. CFR Citation:** 49 CFR pt. 603 **C. Legal Authority:** 31 U.S.C. 951-953 **D. Effects on Small Entities:** No **G. Agency Contact:** Colleen Weule, (202) 426-1936	Review completed.		
Transportation for Elderly and Handicapped.	**A. Abstract:** *UMTA has reviewed this regulation in conjunction with the Department's review of DOT's 504 regulation on Nondiscrimination on the Basis of Handicap (49 CFR pt. 27). DOT plans to publish an NPRM that will propose revisions to the entire 504 regulation. As part of that NPRM, DOT will propose to withdraw part 609 in its entirety. The reason for this proposed withdrawal is that, since UMTA recipients would meet all necessary requirements concerning mass transportation service for handicapped persons by complying with the Department's 504 regulation, retaining previously promulgated, superseded requirements which could be misinterpreted to impose additional requirements would be unnecessary and confusing. The material concerning the DOT rulemaking on 504 is summarized elsewhere in this Agenda by the Office of the Secretary.* **B. CFR Citation:** 49 CFR pt. 609 **C. Legal Authority:** 49 U.S.C. 1604 and 1612; 23 u.S.C. 142 nt.; 29 U.S.C. 794. **D. Effects on Small Entities:** No **G. Agency Contact:** Douglas G. Gold, (202) 426-4011	Review Completed.		
Air Quality Guidelines/Environmental Impact Procedures.	**A. Abstract:** *UMTA and FHWA have completed their review of the environmental impact procedures and are preparing a Notice of Proposed Rulemaking for the Federal Register. The Air Quality Guidelines review within FHWA and UMTA has been completed but final action with DOT and EPA will not be completed until Congress completes its current review of the Clean Air Act.*	Review completed.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA — Completed Actions

Other Reviews—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR parts 622, 623 **C. Legal Authority:** EIS: 42 U.S.C. 4321 et seq.; 23 U.S.C. 138 and 315; 49 U.S.C. 1653(f), 49 U.S.C. 1601 et seq.; and 49 CFR 1.48(b) and 1.51. Air Quality: 42 U.S.C. 4332, 7401 and 7506; 49 U.S.C. 1601 et seq.; 23 U.S.C. 109(h) and (j), and 315; and 49 CFR 1.48(b) and 1.51.. **D. Effects on Small Entities:** No **G. Agency Contact:** UMTA: Jocelyn Kemp; (202) 426-4011 or Jim Getzewich, (202) 426-2380. (Air Quality Guidelines); Abbe Marner, (202) 426-2360 (Environmental Impact Procedures). FHWA: Jerry Reagon, (202) 426-4836 Air Quality Guidelines); Leon Larson, (202) 426-0351, (Environmental Impact Procedures).			
Public Transportation to Non-Urbanized Areas.	**A. Abstract:** *A review was completed and a State Management Plan Option was issued February 8, 1982 in the Federal Register (47 FR 5835). It simplified procedures and responded to comments on the regulation.* **B. CFR Citation:** 23 CFR pt. 825 **C. Legal Authority:** 49 U.S.C. 1614; 23 U.S.C. 315 **D. Effects on Small Entities:** No **G. Agency Contact:** UMTA: Doug Kerr, (202) 472-7037. FHWA: Sheldom G. Strickland, (202) 426-0153.	Review Completed.		

Saint Lawrence Seaway Development Corporation

SLSDC — Current and Projected Rulemakings

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Operational Regulations	**A. Abstract:** *Periodic update of 33 CFR Part 401 operational regulations developed, for the most part, jointly with the Seaway Authority of Canada. No alternatives can be considered. Cost will be borne primarily by foreign vessels, since these regulations relate to commercial users of the Seaway. The economic benefits to be derived from a safe and efficiently operated Saint Lawrence Seaway are considerable.* **B. CFR Citation:** 33 CFR pt. 401 **C. Legal Authority:** 33 USC 981-990; 68 Stat. 93-96; Pub. L. 95-474, Secs. 4, 5 , 6, 7, 8, 12, 13 of Sec. 2. **D. Effects on Small Entities:** No **G. Agency Contact:** Frederick A. Bush, (315) 764-3245	NPRM FR	4/29/82 9/82	47 FR 18375
Tariff of Tolls Amendment	**A. Abstract:** Revision of 33 CFR Part 402 in accordance with statutory procedures in 33 USC 988. **B. CFR Citation:** 33 CFR pt. 402 **C. Legal Authority:** 33 USC 988; 68 Stat. 93-96 **D. Effects on Small Entities:** No **G. Agency Contact:** Robert D. Kraft, (202) 426-3574	FR	4/1/82	47 FR 13803

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Current and Projected Rulemakings

Priority Rulemakings: Non-Major

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Title	Summary	Timetable		
		Action	Date	Cite
Tank Car Safety Improvements: Specifications and Retrofit (Docket No. HM-175).	**A. Abstract:** This project would extend the puncture and thermal protection systems now required for DOT 112 and 114 tank cars to existing DOT 105 tank cars and to other newly constructed tank cars. (New construction of DOT 105 tank cars is addressed in Docket No. HM-174, Safety Improvement Program for DOT 105 Tank Cars). The rulemaking is significant because there is substantial public interest in tank car safety and in retrofit issues. It is needed to determine the extent to which current thermal and puncture standards should be applied to the existing DOT 105 tank car fleet, and to other similarly used tank cars. **B. CFR Citation:** 49 CFR Part 173 **C. Legal Authority:** 49 U.S.C. 1803, 1804, 1806 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** ANPRM published July 21, 1980 (45 FR 48668); public comment period closed October 16, 1980. **G. Agency Contact:** L. A. Peterson, (202) 426-0697	ANPRM *Further action to be determined.*	7/21/81	45 FR 48668
Review: Performance-Oriented Packaging Standards (Docket No. HM-181).	**A. Abstract:** To develop performance-oriented packaging standards for small packagings based on the Recommendation of the United Nations Committee of Experts on the Transport of Dangerous Goods. *Also includes former nonsignificant rulemaking on listing and packaging requirements for organic peroxides.* The rulemaking is significant because a large nubmer of specifications for packagings in the Hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade. **B. CFR Citation:** 49 CFR Parts 172, 173, 178 **C. Legal Authority:** 49 U.S.C. 1803, 1804, 1808. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** ANPRM published April 15, 1982 (47 FR 16268). Further action to be based on evaluation of comments. Comment period ended October 1, 1982 . **G. Agency Contact:** T. Charlton, (202) 426-2075	ANPRM Further action to be determined.	4/15/82	47 FR 16268
Hazardous Waste Manifest: Shipping Papers (Docket No. HM-148D).	**A. Abstract:** Would establish a uniform hazarouds waste manifest for use by both interstate and intrastate carriers of hazardous waste. The rulemaking is significant because there is substantial carrier and shipper industry, and State and local government interest in and controversy concerning the implementation of a manifest system. It is needed to simplify the manifesting of hazardous waste so interstate and intrastate commerce is not adversely affected by a number of differing requirements imposed by State and local government. **B. CFR Citation:** 49 CFR Parts 171 and 172 **C. Legal Authority:** 49 U.S.C. 1803, 1804 and 1808 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Regulation of the transportation of hazardous waste was established by Docket No. HM-145A (45 FR 74640, Nov. 10, 1980) *NPRM on uniform hazardous waste manifest published Mar. 4, 1982 (47 FR 9346). Comment period extended to July 20, 1982 by joint rulemaking with EPA June 30, 1982 (FR 28428) .* **G. Agency Contact:** L. E. Metcalfe, (202) 426-2075	NPRM FR	3/4/82 3/83	47 FR 9346

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA **Current and Projected Rulemakings**

Other Rulemakings

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Recodification of Radioactive Requirements (Docket No. HM-169).	**A. Abstract:** Proposed consolidation, simplification and recodification of the existing requirements applicable to the transportation of radioactive materials to make them compatible with latest revised international standards as promulgated by the International Atomic Energy Agency. **B. CFR Citation:** 49 CFR Part 173 **C. Legal Authority:** 49 USC 1803, 1806 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Rawl, (202) 426-2311	NPRM FR	1/8/79 11/82	44 FR 1952
Cryogenic Liquids (Docket No. HM-115).	**A. Abstract:** Proposed standards and procedures for the transportation of cryogenic liquids. **B. CFR Citation:** 49 CFR 172.101, 173.316 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** P. Seay, (202) 755-4906	NPRM Public Hearings FR	3/8/79 4/17/79 11/82	44 FR 12826
Definition of a Flammable Solid (Docket No. HM-178).	**A. Abstract:** Consideration of new standards for classifying a material as a flammable solid. Previously part of Docket HM-118 which was terminated May 22, 1980 (45 FR 34560) to permit publication of ANPRM. **B. CFR Citation:** 49 CFR Part 173 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** *C Kay, (202) 426-2311*	ANPRM	5/7/81	46 FR 25492
Radiation Exposure for Transportation Workers (Project 263-78).	**A. Abstract:** Consideration of methods which will reduce radiation exposure levels to transportation workers (New Sections). Proposal converted to ANPRM to permit development of basic data. **B. CFR Citation:** 49 CFR Part 173 **C. Legal Authority:** 49 USC 1803, 1823 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Rawl, (202) 426-2311	*ANPRM*	10/83	
Review: Reclassification of Operating Procedures For Motor Vehicles (Project 261-78).	**A. Abstract:** Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177. Development of driver training requirements (formerly Project 270-78). **B. CFR Citation:** 49 CFR Part 177 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** J. Fulnecky, (202) 426-1700	Further action to be determined.		
Use of Interested Inspectors for Cylinder Inpsections (Docket No. HM-74A).	**A. Abstract:** Proposal would result in ending of "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders. **B. CFR Citation:** 49 CFR Part 178 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** H. Mitchell, (202) 426-2075	NPRM To be withdrawn.	3/17/76	44 FR 11179
Specification for 55-gallon Plastic Drum (Project 278-78).	**A. Abstract:** Proposal to authorize use of 55-gallon capacity plastic drums with certain hazardous materials. **B CFR Citation:** 49 CFR Part 178 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** M. Gigliotti, (202) 755-4906	NPRM	11/82	
Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel (Project 279-78).	**A. Abstract:** Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode. **B. CFR Citation:** 49 CFR Part 176 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** A. Weltz, (202) 426-1577	NPRM	12/82	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Oxidizing Materials Definition, Criteria and Proposed Regulations (Docket No. HM-179).	**A. Abstract:** Development of new standards for classifying a material as an oxidizing material. **B. CFR Citation:** 49 CFR Part 173 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No. **G. Agency Contact:** C. Schultz, (202) 426-2311	ANPRM *NPRM*	6/15/81 7/83	46 FR 31294
Consolidation of Specifications and Establishment of Performance Standards for Specification Bags (Docket No. HM-153).	**A. Abstract:** Consolidation of specifications and development of performance standards for specification bags. Present data insufficient for rulemaking. **B. CFR Citation:** 49 CFR Part 178 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** M. Gigliotti, (202) 755-4906	ANPRM To be withdrawn.	9/12/77	42 FR 45695
Organic Peroxide Requirements (Project 186-72).	**A. Abstract:** Proposed listing of and packaging requirements for organic peroxides. *Combined with "Performance-Oriented Packaging Standards" in "Current and Projected Rulemakings: Priority Rulemakings-Non-Major" Section of Agenda .* **B. CFR Citation:** 49 CFR Parts 172, 173 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** C. Schultz, (202) 426-2311			
Matches (Project 281-78)	**A. Abstract:** Proposed revision and simplification of requirements concerning matches. **B. CFR Citation:** 49 CFR Parts 172, 173 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** H. Mitchell, (202) 426-2075	NPRM	11/82	
Multi-Unit Tank Car Tanks (Project 252-77).	**A. Abstract:** Consideration of revision to standards for Specifications 106/110 portable tanks, including authorization of fusion welding. **B. CFR Citation:** 49 CFR Part 178 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** *C. Hochman, (202) 755-4906*	ANPRM	11/82	
Requirements for Reporting Gas Incidents (Docket No. OPS-49).	**A. Abstract:** The proposed reporting forms provide additional and more appropriate information about gas safety problems and require reports from certain systems not now covered. **B. CFR Citation:** 49 CFR Part 191 **C. Legal Authority:** 49 U.S.C. 1671 et seq **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Langley, (202) 426-2392*	NPRM SNPRM Amended NPRM.	6/5/78 3/5/79 11/82	43 FR 24478 44 FR 12070
Retention of Radiographic Film.	**A. Abstract:** Recordkeeping requirement for radiographic film would be revoked for hazardous liquid pipelines. **B. CFR Citation:** 49 CFR Part 195 **C. Legal Authority:** 49 U.S.C. 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** F. Robinson, (202) 426-2392	NPRM	11/82	
Heat Treatment of Hard Spots in Steel Pipe. (PS-58).	**A. Abstract:** Allowable temperature for heat treating hard spots in steel pipe would be increased. **B. CFR Citation:** 49 CFR Part 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** W. Gloe, (202) 426-2082	NPRM FR	9/13/79 11/82	44 FR 53185
Qualifying Components for Use in Gas Pipeline. (PS-64).	**A. Abstract:** General criteria would be proposed for qualifying the use of pipeline components other than the pipe itself (202) 426-2392. **B. CFR Citation:** 49 CFR pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** F. Robinson,	NPRM FR	3/3/80 3/83	45 FR 13783
Transportation of Natural and Other Gas by Pipeline (PS-57).	**A. Abstract:** Requirements for procedures and instrumentation for use in monitoring gas for odorants would be proposed. Further action pending additional study of safety problem.	NPRM To be withdrawn.	2/22/79	44 FR 10604

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** W. Dennis, (202) 426-2392			
Leak Survey (PS-62)	**A. Abstract:** Present leak survey requirements would be amended in accordance with practices necessary for safety. Further action pending additional study of safety problems. **B. CFR Citation:** 49 CFR pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** W. Dennis, (202) 426-2392	NPRM To Be withdrawn.	12/13/79	44 FR 72201
Interior Piping (PS-67)	**A. Abstract:** The adequacy of existing standards with regard to safety problems concerning interior piping would be examined and new standards may be proposed. **B. CFR Citation:** 49 CFR pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Langley, (202) 426-2392	ANPRM NPRM	4/3/80 1/83	45 FR 22118
Location, Size, and Operating Pressure of Pipelines (PS-61).	**A. Abstract:** Operators would be required to maintain maps and records to identify the location, size, and operating pressure of all pipelines. Study showed benefits do not exceed costs. **B. CFR Citation:** 49 CFR pt. 192 **C. Legal Authority:** 49 U.S.C. 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Langley, (202) 426-2392	ANPRM To be withdrawn.	11/29/79	44 FR 68493
Review: Line Markers on Navigable Waterways for Pipelines (PS-69).	**A. Abstract:** The required number, size, and location of line markers along navigable waterways, including definition of "navigable waters', would be made more appropriate. **B. CFR Citation:** 49 CFR pts. 192, 195 **C. Legal Authority:** 49 U.S.C. 1672, 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Simmons, (202) 426-2392	ANPRM NPRM	6/22/81 10/82	46 FR 32287
Cargo Tank Corrosion (Project 285-79).	**A. Abstract:** Consideration of the effects of corrosion to the structural integrity of cargo tanks. Would establish a prescribed test for the degree of corrosion of cargo tanks. **B. CFR Citation:** 49 CFR pt. 178 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** A. Mallen, (202) 755-4906	Further action to be determined.		
Miscellaneous Hazardous Materials Communications Regulations (Project 289-79).	**A. Abstract:** Development of miscellaneous proposals dealing with the communications regulations such as odorization of gas and availability of shipping papers to emergency response personnel. **B. CFR Citation:** 49 CFR pt. 172 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** L. Metcalfe, (202) 426-0656	NPRM	10/82	
Radioactive Materials: Shipping Papers for Limited Quantities. (Docket No. HM- 166F).	**A. Abstract:** Proposed deletion of limited quantity radioactive materials detailed shipping paper requirements and associated marking modification. **B. CFR Citation:** 49 CFR pts. 172, 173, 175 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Rawl, (202) 426-2311	ANPRM NPRM FR	12/8/80 12/21/81 *10/82*	45 FR 80843 46 FR 61908
Radiation Level Specifications Docket No. HM-166.	**A. Abstract:** Proposed rewrite of 49 CFR 173.393(i) and (l) for clarity and enforceability. **B. CFR Citation:** 49 CFR 173.393(i) and (l) **C. Legal Authority:** 49 U.S.C. 1803-1806, 1808 **D. Effects on Small Entities:** No **G. Agency Contact:** W. Carriker, (202) 426-2311	NPRM	10/82	
Private Carriers Licensed to use Radioactive Materials.	**A. Abstract:** Proposed exceptions for private carriers who also are licensed to use radioactive materials in the course of their businesses.	NPRM	3/83	

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR pts. 173 and 177 **C. Legal Authority:** 49 USC 1803-1806, 1808 **D. Effects on Small Eneities:** No **G. Agency Contact:** W. Carriker, (202) 426-2311			
Specification Packages of Type B and Fissile Radioactive Materials.	**A. Abstract:** Advance notice to address feasibility of continued use and needed modifications of certain radioactive materials package designs. **B. CFR Citation:** 49 CFR pt. 173 **C. Legal Authority:** 49 USC 1803-1806, 1808 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Rawl, (202) 426-2311	NPRM	1/83	
Quality Assurance for Radioactive Materials Shippers.	**A. Abstract:** Advance notice to solicit comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials. **B. CFR Citation:** 49 CFR Pt. 173 **C. Legal Authority:** 49 USC 1803-1806, 1808 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Rawl, (202) 426-2311	ANPRM	2/83	
Enforcement Procedures and Related Miscellaneous Proposals (Docket No. HM-138A).	**A. Abstract:** This rule change would make selective changes to 49 CFR Parts 107, 171 and 173 concerning primarily the procedural requirements of the MTB's exemption, approval, preemption and enforcement programs. **B. CFR Citation:** 49 CFR pts. 107, 171, 173 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** George W. Tenley, Jr., (202) 755-4973	NPRM FR	9/24/81 12/82	46 FR 47901
Matter Incorporated by Reference (Hazardous Materials). (Docket No. HM-22A).	**A. Abstract:** Documents incorporated by reference would be updated, deleted where obsolete, and consolidated in §171.7 on a one time basis, to be followed by periodic review under Docket No. HM-22. **B. CFR Citation:** 49 CFR Part 171 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** E. Mazzullo, (202) 426-2075	NPRM	10/82	
Regulation of Paint (Docket No. HM-166).	**A. Abstract:** Regulations applicable to small quantity paint containers may impose a greater burden on paint shippers than is necessary to promote safety. In 1980, reporting requirements for incidents involving carriers of paint were reduced. The next step is to address the more basic question of the best regulatory framework for transportation of this flammable liquid. Savings to the paint industry could exceed $1 million annually. **B. CFR Citation:** 49 CFR 173.128 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** A. I. Roberts, (202) 426-0656	NPRM *FR*	2/1/82 *11/82*	47 FR 4538
Carriage of Tear Gas Devices Aboard Aircraft (Docket No. HM-166J).	**A. Abstract:** Would permit passengers and crew members to carry on aircraft small personal protection devices (containing tear gases or pepper extracts) in their checked baggage only. *Based upon an analysis of the comments received, it was determined that there is not adequate information concerning the need for and consequences of regulation .* **B. CFR Citation:** 49 CFR 175.10 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** E. Mazzullo, (202) 426-2075	NPRM *To be withdrawn.*	8/10/81	46 FR 40540
Placarding of Empty Tank Cars (Docket No. HM-180).	**A. Abstract:** An advance notice requesting comments on the International Association of Fire Chiefs' petition for removal of the requirement for displaying the EMPTY placard on tank cars. **B. CFR Citation:** 49 CFR 172.510 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** L. E. Metcalfe, (202) 426-2075	ANPRM NPRM	7/23/81 2/83	46 FR 37953

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
DOT Specification 51 Portable Tanks.	**A. Abstract:** Consideration of revisions of DOT Specification 51 Portable Tanks, including waiver of requirements for post-weld heat treatment for certain steels and use of bottom outlets. **B. CFR Citation:** 49 CFR pt. 178 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** C. Hochman, (202) 755-4906	ANPRM	11/82	
Weld Filler Metal for Hazardous Liquid Pipelines.	**A. Abstract:** The requirement for minimum strength of weld filler metal would be deleted as unnecessary. **B. CFR Citation:** 49 CFR Pt. 195 **C. Legal Authority:** 49 U.S.C. 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** F. Robinson *(202) 426-2392*	NPRM	10/82	
*Review: Monitoring External Corrosion Control.	**A. Abstract:** The requirement to annually check the performance of cathodic protection on pipeline under paving would be made more appropriate. **B. CFR Citation:** 49 CFR pt. 192 **C. Legal Authority:** 49 U.S.C. 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** P. Cory, (202) 426-2082	ANPRM	11/82	
*Inspection Intervals	**A. Abstract:** Requirements for inspecting pipelines at specific intervals would be amended to provide flexibilty in scheduling inspections. **B. CFR Citation:** 49 CFR pt. 192 and 195 **C. Legal Authority:** 49 U.S.C. 1672, 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Simmons, (202) 426-2392	ANPRM	11/82	
*Steel Pipe	**A. Abstract:** Development of performance standards for qualifying steel pipe for use in gas pipelines. **B. CFR Citation:** 49 CFR Part 192 **C. Legal Authority:** 49 U.S.C. 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Simmons, (202) 426-2392	ANPRM	12/82	
*Specifications for and Use of Specification 17E Steel Drums (Docket No. HM-182).	**A. Abstract:** Consideration of and request for comments on allowing certain reductions in head and body thickness of 17E drums made with triple-seamed chimes. Further action to be determined from evaluation of comments received on ANPRM. **B. CFR Citation:** 49 CFR Part 178 **C. Legal Authority:** 49 U.S.C. 1803, 1804, 1805 **D. Effects on Small Entities:** No **G. Agency Contact:** T. G. Allan, (202) 426-2075	ANPRM Further action to be determined.	6/10/82	47 FR 25167
*Design, Maintenance and Testing of MC-306 Cargo Tanks (Docket No. HM-183).	**A. Abstract:** Consideration of and request for comments on reducing risk of unintentional release of liquid hazardous materials from MC-306 cargo tanks. Further action to be determined from evaluation of comments received. **B. CFR Citation:** 49 CFR Parts 173 and 177 **C. Legal Authority:** 49 U.S.C. 1803, 1804, 1805 **D. Effects on Small Entities:** No **G. Agency Contact:** J. J. Fulnecky, (202) 426-0033	ANPRM Further action to be determined.	6/28/82	47 FR 27876

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Current and Projected Rulemakings

Other Rulemakings: Routine and Frequent

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Title	Summary	Timetable		
		Action	Date	Cite
Conversion of Individual Exemptions to Regulations of General Applicability (Docket No. HM-139).	**A. Abstract:** NPRM approximately every four months; with FR targeted approximately two months thereafter.. **B. CFR Citation:** 49 CFR Parts 171,173, 174, 175 and 178 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** To be determined **G. Agency Contact:** D. Raines, (202) 472-2726		*10/82-9/83*	
Minor Regulatory Adjustments to Regulations of General Applicability (Docket No. HM-166).	**A. Abstract:** NPRM approximately every four months, with FR targeted approximately two months thereafter. **B. CFR Citation:** 49 CFR Parts 171, 172 and 173 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** To be determined **G. Agency Contact:** D. Raines, (202) 472-2726		*10/82-9/83*	
Matter Incorporated by Reference (hazardous materials). (Docket No. HM-22).	**A. Abstract:** NPRM approximately every six months, with FR targeted two months thereafter. **B. CFR Citation:** 49 CFR Part 171 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** To be determined **G. Agency Contact:** E. Mazzullo, (202) 426-2075		10/82-9/83	
Matter Incorporated by Reference (pipelines).	**A. Abstract:** Documents incorporated by reference would be updated to later published editions. NPRM every year, with FR six months later. Most recent FR published February 2, 1981 (46 FR 10157). Originally scheduled to go into effect March 4, 1981. Became effective March 31, 1981 **B. CFR Citation:** 49 CFR Parts 192, 193 and 195 **C. Legal Authority:** 49 U.S.C. 1672, 2002 **D. Effects on Small Entities:** To be determined **G. Agency Contact:** R. Simmons, (202) 426-2392		*10/82-9/83*	
Hazardous Materials: Miscellaneous Amendments (Docket No. HM-56).	**A. Abstract:** This docket is designed to change or delete certain incorrect references, to correct certain spelling and editorial errors, and to make minor regulatory changes which establish no new requirements. Final rule issued annually without notice of proposed rulemaking. **B. CFR Citation:** 49 CFR Parts 106-179 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** To be determined **G. Agency Contact:** T. G. Allan, (202) 426-2075.	FR	*10/82*	
*Implementation of the ICAO Technical Instructions.	**A. Abstract:** Proposed amendments would permit the offering, acceptance and transportation by aircraft, and by motor vehicle incident to transportation by aircraft, of hazardous materials shipments conforming to the provisions of the International Civil Aviation Organization's (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air, in order to facilitate continued shipment of hazardous materials in international commerce by air when the ICAO technical instructions become effective on Janaury 1, 1983. **B. CFR Citation:** 49 CFR Parts 171 through 175 **C. Legal Authority:** 49 U.S.C. 1803-1806, 1808 **D. Effects on Small Entities:** To be determined **G. Agency Contact:** Edward A. Altemos, (202) 426-0656	NPRM	7/82	47 FR 33295

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

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Reviews of Existing Regulations

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Repair and Removal of Defects.	**A. Abstract:** These rules, which specify what repairs are permitted on defective pipe welds, may be more restrictive than required for safety. Less stringent repair methods have been shown to be safe under most conditions. Changing the rules to allow some repairs of defective welds, rather than total removal, could save industry about $20 million per year. **B. CFR Citation:** 49 CFR 192.245 and 195.232 **C. Legal Authority:** 49 U.S.C. 1672, 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** W. Gloe, (202) 426-2062	Completion of Review.	Summer 1982	
Data Collection and Reporting: Gas Pipeline Reporting.	**A. Abstract:** The pipeline industry questions the usefulness to government and industry of the reports of leaks required by these regulations. While any safety enforcement program requires recordkeeping in order to operate, it is possible to be more specific, and therefore less burdensome, in identifyng problems for which reporting and recordkeeping are useful. Annual costs of the current regulation are more than $6 million. Data Collection and Reporting: Liquid Pipeline Nondestructive Weld Tests (49 CFR 195.234(g)) appears as a separate Review List entry. **B. CFR Citation:** 49 CFR Part 191 **C. Legal Authority:** 49 U.S.C. 1671 et seq **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Langley, (202) 426-2132*	Completion of Review.	Summer 1982	
Data Collection and Reporting: Hazardous Materials Incident Reports.	**A. Abstract:** The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry and for most result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome. **B. CFR Citation:** 49 CFR Part 171 **C. Legal Authority:** 49 USC 1803, 1804, 1809 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Abis, (202) 426-2075*	Completion of Review.	10/82	

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Toxic Materials; Definitions, Criteria, and Proposed Regulations.	**A. Abstract:** This regulation was selected for review because of the need for quantitative criteria. **B. CFR Citation:** 49 CFR 173.326, 173.343 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** G. Cushmac, (202) 426-2311	Further action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

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Completed Actions

Other Rulemakings

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Title	Summary	Timetable		
		Action	Date	Cite
Marking and Record Retention for Cylinders (Docket No. HM-172).	**A. Abstract:** Proposed revision and clarification of cylinder marking requirements; deletion of approval for changes to owner markings, user markings, and serial numbers; deletion of submission requirements for cylinder test reports and substitute record retention requirement. **B. CFR Citation:** 49 CFR pts. 173, 178 **C. Legal Authority:** 49 USC 1803-06 **D. Effects on Small Entities:** No **G. Agency Contact:** D. Henry, (202) 426-2075	NPRM FR Effective	2/14/80 4/15/82 7/8/82	45 FR 9960 47 FR 16583 47FR29678
Placing Longitudinal Weld Seams in Upper Pipe Half (PS-66).	**A. Abstract:** Proposal would require location of longitudinal weld seams in the upper half of pipe during construction of hazardous liquid pipelines. Safety problem too narrow for general rulemaking. **B. CFR Citation:** 49 CFR pt. 195 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** F. Robinson, (202) 426-2392	ANPRM Withdrawn	3/27/80 2/16/72	45 FR 20142 47 FR 6675
Hot Taps in Gas Pipelines (PS-60).	**A. Abstract:** Operators would be required to identify a pipeline by pressure monitoring or other means before performing a hot tap on it. Present data insufficient for rulemaking. **B. CFR Citation:** 49 CFR pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Langley, (202) 426-2392	NPRM Withdrawn	11/29/79 6/14/82	44 FR 68491 47 FR 13815
Excavation Damage (PS-59)	**A. Abstract:** Operators would be required to participate in a program to prevent excavation damage to underground pipelines. **B. CFR Citation:** 49 CFR Pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Simmons, (202) 426-2392	NPRM FR	11/15/79 4/12/82	47 FR 65792 47 FR 13815
Transportation of Wet Electric Storage Batteries (Docket No. HM-173).	**A. Abstract:** Proposed standards for transportation of wet electric storage batteries, particularly relative to wheelchairs equipped with such batteries. **B. CFR Citation:** 49 CFR Pt. 173 **C. Legal Authority:** 49 USC 1803, 1806 **D. Effects on Small Entities:** No **G. Agency Contact:** E. Mazzullo, (202) 426-2075	NPRM FR	6/4/81 6/7/82	46 FR 29966 47 FR 24582
Transportation of Hazardous Materials on Trailer-On-Flatcar (Docket No. HM-177).	**A. Abstract:** Would establish standards for TOFC operations. Docket HM-177 was established to resolve the TOFC problem area that arose from HM-167. It has been determined that no further action is justified. **B. CFR Citation:** 49 CFR Pt. 174 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Barlow, (202) 755-4906	Hearing notice and request for comment. Withdrawn	1/26/81 7/15/82	46 FR 8055 47 FR 30800
Withdrawal of Certain Delegations of Authority to the Bureau of Explosives.	**A. Abstract:** Approvals issued for new explosives prior to March 26, 1979. Clarification of the applicability of §171.19. **B. CFR Citation:** 49 CFR Pt. 173 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** J. E. Jones, (202) 472-5982	Action Terminated.		
Metal Alloy Fittings in Plastic Pipelines (Docket No. OPSO-37).	**A. Abstract:** The requirement for knowing the location of corrosion resistant metal fittings in plastic pipelines would be deleted. Regulatory amendment contemplated in FR July 11, 1977 (42 FR 2654). **B. CFR Citation:** 49 CFR Pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** L. Furrow, (202) 426-2392	FR	3/8/82	47 FR 9842
Telephone Number for Reporting Pipeline Leaks.	**A. Abstract:** The telephone number for reporting serious leaks of gas or hazardous liquids from pipelines would be changed. **B. CFR Citation:** 49 CFR Pts. 191 and 195	FR	7/26/82	47 FR 32719

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Completed Actions

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 49 USC 1672, 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Simmons, (202) 426-2392			

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Monitoring of External Corrosion Control.	**A. Abstract:** Gas pipeline operators currently are required annually to check the performance of cathodic protection systems which serve to control metal corrosion and extend the useful life of pipelines. This is costly for gas mains under city streets in close proximity to other underground utilities. It is also controversial because some in the industry contend that it is not possible to get valid performance data under conditions which exist in cities; hence there is no return on the expense of complying with the regulation. The Department is conducting a study to verify this regulation's testing techniques. Annual compliance costs for this regulation are approximately $80 million *Review found normal testing techniques unreliable for pipelines under paving. ANPRM to further examine alternatives scheduled under "Current and Projected Rulemakings: Other Rulemakings" portion of this Agenda .* **B. CFR Citation:** 49 CFR 192.485(a) **C. Legal Authority:** 49 U.S.C. 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** P. Cory, (202) 426-2082	*Review completed.*		
Line Markers for Mains and Transmission Lines.	**A. Abstract:** These regulations require markers to be placed at each crossing of a navigable waterway by a pipeline. However, benefits from the regulation may be questionable because some navigable waterways do not carry commercial traffic. Costs associated with the rule are high (installation cost of $100 million for all navigable waterways) because the signs, to be effecitve, must be large. *Review found regulations only marginally effective at heavily travelled waterways. NPRM to revoke requirements scheduled under "Current and Projected Rulemakings: Other Rulemakings" portion of the Agenda .* **B. CFR Citation:** 49 CFR 192.707(a) and 195.410 **C. Legal Authority:** 49 U.S.C. 1672, 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Simmons, (202) 426-2392	*Review completed.*		
Data Collection and Reporting: Liquid Pipeline Nondestructive. Weld Tests.	**A. Abstract:** This rule requires that radiographic film of weld tests be kept three years. Retention may not be needed for accident investigation or test verification; there are large administrative costs. Annual costs are about $1 million. *Review found current rule unnecessary. NPRM to revoke rule scheduled under "Current and Projected Rulemakings: "Other Rulemakings" portion of this Agenda .* **B. CFR Citation:** 49 CFR 195.234(g) **C. Legal Authority:** 49 USC 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** F. Robinson, (202) 426-2392	*Review completed.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Completed Actions

Other Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Flammable Solid; Definitions Criteria.	**A. Abstract:** This regulation was selected for review because of inquiries; lack of objective regulatory standard. See Definition of a Flammable Solid (Project 118-71). *This project is to be combined with the Flammable Solid project under Docket No. HM-178; see "Current and Projected Rulemakings: Other Rulemakings" portion of this Agenda .* **B. CFR Citation:** 49 CFR 173.150 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** M. Morris, (202) 426-2075	*Review Terminated .*		

Maritime Administration

MARAD

Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Construction-Differential Subsidy (CDS) Repayment: Total Repayment Policy and Procedures.	This rulemaking would establish the policy of the Maritime Subsidy Board (MSB) of (MARAD) in considering applications for the total repayment of CDS with respect only to tankers of at least 100,000 deadweight tons. *This regulation has been reclassified as "non-major". It is located in that portion of this section.*			

Priority Rulemakings: Non-Major

Title	Summary	Timetable		
		Action	Date	Cite
Construction-Differential Subsidy (CDS) Repayment: Total Repayment Policy and Procedures.	**A. Abstract:** This rulemaking would establish the policy of the Maritime Subsidy Board (MSB) of (MARAD) in considering applications for the total repayment of CDS with respect only to tankers of at least 100,000 deadweight tons. This rulemaking is significant because it concerns a matter of substantial controversy. Regulation is needed to state policy for the exercise of authority by Secretary of Transportation to accept total CDS repayment—the subject of litigation involving the respective interests of operators in the domestic trade and operators of large tankers built with CDS. **B. CFR Citation:** 46 CFR Pt. 276 **C. Legal Authority:** 46 U.S.C. 1114(b), 1117, 1156 and 1204 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** First NPRM-Nov. 2, 1970 (45 FR 51045); Second NPRM-May 5, 1980 (45 FR 29610); Interim Rulemaking-October 15, 1980 (45 FR 68393); Amendment to Interim Rule-Nov. 24, 1980 (45 FR 7745). **G. Agency Contact:** William B. Ebersold, (202) 392-0374	NPRM NPRM Interim FR Amdt. to Interim FR. FR	11/2/70 5/5/80 10/15/80 11/24/80 12/82	45 FR 51045 45 FR 29610 45 FR 68393 45 FR 7745

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Construction-Differential Subsidy (CDS)-Requirements for Aid.	**A. Abstract:** By provision of the Merchant Marine Act, 1936, the Maritime Administration administers the CDS program, providing subsidy for the construction, reconstruction or reconditioning of vessels in U.S. shipyards. This rulemaking is significant because it involves important Department policy on a matter of substantial interest and controversy. It is needed to establish comprehensive formal regulations governing administration of CDS program. **B. CFR Citation:** 46 CFR Pt. 251 **C. Legal Authority:** 46 U.S.C. 1114(b), 1151-1157 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory evaluation **F. Additional Information:** Draft NPRM has been prepared **G. Agency Contact:** James Saari, (202) 426-5888	NPRM Pending review of CDS Program.		
Cargo Preference-U.S. Flag Vessels-Determination of Fair and Reasonable Rates.	**A. Abstract:** Regulation would set forth criteria for determining "fair and reasonable rates" (statutory term) required for the carriage of at least the 50 percent of U.S. government procured or impelled cargoes reserved by law for U.S. owned, constructed and documented vessels. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It is needed to clarify the meaning of a statutory term. **B. CFR Citation:** 46 CFR new Pt. 382 **C. Legal Authority:** 46 U.S.C. 1241(b), 1114(b) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory evaluation **F. Additional Information:** Regulation was last revised in 1977 **G. Agency Contact:** Frederick R. Larson, (202) 382-6036	NPRM	10/82	
Merchant Marine Training	**A. Abstract:** The Maritime Administration is responsible for operating the U.S. Merchant Marine Academy and for providing financial assistance to State Maritime academies and the U.S. Maritime Service, a voluntary Maritime training organization. This rulemaking is significant because it concerns a matter of substantial public interest. It is needed because the Maritime Education and Training Act of 1980 (P.L. 96-453) requires changes in regulations to reflect new requirements as conditions for financial aid for merchant marine training, as well as disposition of excess or surplus government property. **B. CFR Citation:** 46 CFR Pt. 310 **C. Legal Authority:** 46 U.S.C. 1114(b), 1295 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation. **F. Additional Information:** Subpart A (State Maritime Academies NPRM June 9, 1981 (46 FR 30507). FR July 22, 1981 (46 FR 37694). **G. Agency Contact:** Edwin Hackett, (202) 426-5759	Action completed Subparts A, C, and D. NPRM Subpart B (U.S. Maritime Service) and New Subpart E (Supp. Training).	 10/82	
Award and Administration of Operating-Differential Subsidy (ODS) for Dry Bulk Cargo Vessels.	**A. Abstract:** Regulation states conditions for award of ODS for dry bulk cargo vessels engaged in worldwide trade. This rulemaking is significant because it reflects a change in policy on a matter of substantial public interest. It is needed because it would recognize unique economic aspects of dry bulk carriers and is intended to afford sufficient flexibility to allow them to compete in worldwide trade. **B. CFR Citation:** Consolidation with other ODS Regulations. 46 CFR Ch. II. **C. Legal Authority:** 46 U.S.C. 1114(b), 1171-1176 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory evaluation **F. Additional Information:** NPRM September 6, 1979 (44 FR 52002). *Separate rulemaking action suspended pending completion of review of all ODS Regulations for purposes of consolidation and simplification (See "Reviews of Existing Regulations" portion of Agenda.* **G. Agency Contact:** Frederick R. Larson, (202) 382-6036	Further action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Requirements for Establishing United States Citizenship.	Regulation describes how individuals, corporations and other entities can establish U.S. citizenship to qualify for participation in MARAD financial assistance programs. *This regulation has been reclassified as nonsignificant. It is now located in the "Other Rulemakings" portion of this section of the Agenda .*			
Federal Income Tax Aspects of the Capital Construction Fund.	**A. Abstract:** Joint rulemaking with Treasury Department would finalize technical regulations governing the utilization of Capital Construction Fund (CCF) - comprised of deposits of the deferred income from shipping operations, related income, and CCF investment income. The rulemaking is significant because it involves a matter of substantial public interest and has major impact on another Federal Agency (Treasury Department). It is needed to implement a statutory provision. **B. CFR Citation:** 46 CFR Pt. 391 **C. Legal Authority:** 46 U.S.C. 1177, 1114(b) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory evaluation **F. Additional Information:** NPRM published jointly with Treasury Department on June 15, 1972 (37 FR 11887). FR with respect to non-tax areas and second NPRM on technical tax provisions published January 29, 1976 (41 FR 4257, 4280). **G. Agency Contact:** Lawrence B. Pripeton, (202) 382-0409	NPRM FR awaiting action by Treasury Department.	6/15/72	37 FR 11887
Rules of Practice and Procedures; Procedure for Hearing in Operating-Differential Subsidy (ODS) Application; Applications for Subsidies and Other Direct Financial Aid.	Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 208 that would establish a standard discovery order and standard techniques for forecasting the adequacy/ inadequacy of U.S. flag liner service in hearings required under the Merchant Marine Act 1936(Act) on application for ODS. *This regulation has been reclassified as nonsignificant. It is now located in the "Other Rulemakings" portion of this section of the Agenda.*			
Uniform System of Financial Reporting.	**A. Abstract:** Revision of bookkeeping and reporting requirements, now applicable only to operators receiving Operating-Differential Subsidy, to reduce burden and expand their application to contractors receiving financial assistance under all Maritime Administration programs. This rulemaking is significant because it initiates a change in policy. It is needed to reduce and simplify bookkeeping and reporting requirements and expand application to participants in all of agency's financial assistance programs. **B. CFR Citation:** 46 CFR Pt. 282, to be revoked and replaced by new 46 CFR Pt. 232. **C. Legal Authority:** 46 U.S.C. 1114(b) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory evaluation **F. Additional Information:** Regulation was issued in 1974 **G. Agency Contact:** James. J. Zok, (202) 426-5852	NPRM FR	6/19/82 10/82	47 FR 36228
Review: Operating-Differential Subsidy (ODS) Rates for Liner Vessels.	**A. Abstract:** New regulation would estabilsh subsidy rates for liner vessels under ODS areements. This rulemaking is significant because it involves a program concerning which of these is substantial public interest. It is needed to formalize in a regulation policy of Maritime Subsidy Board concerning subsidy rates now published in Manual Form. **B. CFR Citation:** New Subpart in 46 CFR Pt. 280 (See "Reviews of Existing Regulations" portion of Agenda). **C. Legal Authority:** 46 U.S.C. 1171-1176, 1114(b) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory evaluation **F. Additional Information:** New regulation under development. *Separate rulemaking action suspended pending completion of review of all ODS Regulations for purposes of Consolidation and Simplification (See Review List Entry) .* **G. Agency Contact:** Frederick R. Larson, (202) 382-6036	Further Action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Current and Projected Rulemakings

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Requirements and Procedures for the Administration of Condition Surveys and Maintenance and Repair Subsidy.	**A. Abstract:** Regulation clarifies and liberalizes MARAD policy and procedure for administering that part of the Operating-Differential Subsidy (ODS) program relating to requirement for conducting condition surveys of vessels under ODS agreements which provide maintenance and repair (M&R) subsidy. **B. CFR Citation:** 46 CFR Pt. 272 **C. Legal Authority:** 46 USC 1114(b), 1171(a) **D. Effects on Small Entities:** No **G. Agency Contact:** John J. Davis, (202) 426-5743	NPRM	10/82	
Documentation, Transfer or Charter of Vessels.	**A. Abstract:** Amendments would be made to regulations governing MARAD approval of the transfer of U.S. owned or documented vessels to non-citizens, as well as approval of vessel charters to non-citizens, pursuant to authority in the Shipping Act, 1916. *Partial final rule issued on consolidation of citizenship declaration forms .* **B. CFR Citation:** 46 CFR Pt. 221 **C. Legal Authority:** 46 U.S.C. 808, 835, 838, 839, 841a **D. Effects on Small Entities:** No **G. Agency Contact:** Jessie Fernanders, (202) 426-5821	Partial FR NPRM	8/30/82 11/82	47 FR 38131
Construction-Differential Subsidy (CDS) Standard Contracts.	**A. Abstract:** This regulation would incorporate standardized language for contracts used in admnistration of CDS program. **B. CFR Citation:** 46 CFR Pt. 251 **C. Legal Authority:** 46 USC 1151-1156, 1114(b) **D. Effects on Small Entities:** No **G. Agency Contact:** Melvin Eck, (202) 426-5888	FR pending administration review of CDS Program.		
National Shipping Authority	**A. Abstract:** Eleven regulations relating to shipping operations that govern the activities of the NSA, within MARAD during times of war and national emergency. These regulations are exempt from the notice provisions of 5 U.S.C. 553 because they involve a military function. **B. CFR Citation:** 46 CFR Pts. 316, 320, 321, 326, 329, 332, 335-339; new pt. 340. **C. Legal Authority:** 50 USC App. 2061, et seq.; EO 10480, 11490. **D. Effects on Small Entities:** No **G. Agency Contact:** *Robert Bryan,* (202) 426-5739	NPRM FR	8/30/82 11/82	47 FR 38137
Review: Capital Construction Fund.	**A. Abstract:** Amendments to regulations would clarify existing provisions and remove restrictions on fundholders, to be made as needed in one or more rulemaking actions. **B. CFR Citation:** 46 CFR Pt. 390 **C. Legal Authority:** 46 USC 1177; 1114 (b) **D. Effects on Small Entities:** No **G. Agency Contact:** Lawrence Pripeton, (202) 382-0409	FR	10/82	
Implementation Procedures for the National Defense Program.	**A. Abstract:** Amendment to CDS regulations would implement Pub. Law 96-387. It would authorize, when funds become available, paying ship operators for the cost of purchasing and installing communication equipment on existing U.S. flag vessels that are suitable for government use in time of war or national emergency. **B. CFR Citation:** 46 CFR Pt. 251 **C. Legal Authority:** 46 USC 1151-1156, 1114(b) **D. Effects on Small Entities:** No **G. Agency Contact:** James C. McCoy, Jr., (202) 426-5727	NPRM Further action delayed indefinitely.	9/10/81	46 FR 45164
Policy for changes under CDS Program.	**A. Abstract:** Amendments would state policy of paying subsidy for only "essential" changes, as defined, reflecting very limited CDS funding. **B. CFR Citation:** 46 CFR 251.1 Appendix **C. Legal Authority:** 46 USC 1151-1156, 1114(b) **D. Effects on Small Entities:** No **G. Agency Contact:** Robert J. Patton, Jr., (202) 426-5746	FR	10/82	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
*Requirements for Establishing United States Citizenship.	**A. Abstract:** Proof of U.S. citizenship is required under MARAD financial assistance and vessel transfer programs. These amendments would amend citizenship regulations to simplify proof of corporate citizenship and to insure corporate control by U.S. citizens under existing corporate organizational structures. **B. CFR Citation:** 46 CFR Pt. 355 **C. Legal Authority:** 46 USC 802, 803, 808, 835, 838, 839, 841, 1151, 1171, 1276. **D. Effects on Small Entities:** No **G. Agency Contact:** Doris Lansberry, (202) 426-5711	NPRM FR	10/12/79 11/82	44 FR 58928
*Statistical Data for Use In Operating Differential Subsidy (ODS) Application Hearings.	**A. Abstract:** Amendments include references to preparation of standard forecasts of liner cargo, adopted in new 46 CFR Part 208 (Procedure for Hearing in ODS Application) and elimination of two reports. **B. CFR Citation:** 46 CFR Pt. 207 **C. Legal Authority:** 46 USC 1175 **D. Effects on Small Entities:** No **G. Agency Contact:** William B. Ebersold, (202) 382-0374	FR	Fall 1982	
*Suspension of ODS Agreements for All or Portion of the Vessels Included Therein.	**A. Abstract:** These regulations are necessary to implement §1603 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), which adds a new §614 to the Merchant Marine Act, 1936. **B. CFR Citation:** New 46 CFR Pt. 295 **C. Legal Authority:** 46 USC 1184, 1141(b) P.L. 97-35 **D. Effects on Small Entities:** No **G. Agency Contact:** Gregory Sparkman, (202) 382-0402 Raymond Barberesi, (202) 382-0382.	NPRM	11/82	
*Treatment of Subsidy During Voyage Deviations.	**A. Abstract:** This regulation clarifies existing MARAD policy of generally not paying ODS to an operator for any period of operation attributable solely to a deviation from the contractually authorized subsidized service. **B. CFR Citation:** (46 CFR 281.6) **C. Legal Authority:** 46 USC 1173(a) 1114(b) **D. Effects on Small Entities:** No **G. Agency Contact:** William B. Ebersold, (202) 382-0374	Interim FR	11/82	
*Participation by Vessels Built with CDS in the Carriage of Oil from Alaska in the Domestic Trade.	**A. Abstract:** Amendments would codify in regulation form policies that were decisions issued as administrative orders.. **B. CFR Citation:** 46 CFR Pt. 290 **C. Legal Authority:** 46 U.S.C. 1156, 1114(b) **D. Effects on Small Entities:** No **G. Agency Contact:** William B. Ebersold, (202) 382-0374	FR	10/82	
*Rules of Practice and Procedures; for Hearing in Operating-Differential Subsidy (ODS) Application; Applications for Subsidies and Other Direct Financial Aid.	**A. Abstract:** Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 208 that would establish a standard discovery order and standard techniques for forecasting the adequacy/inadequacy of U.S. flag liner service in hearings required under the Merchant Marine Act, 1936. **B. CFR Citation:** 46 CFR Pts. 201, 208, 251 **C. Legal Authority:** 46 USC 1114(b) **D. Effects on Small Entities:** No **G. Agency Contact:** Robert J. Patton, Jr., (202) 426-5711	NPRM	6/25/79	44 FR 37003

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Reviews of Existing Regulations

Priority Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Limitations on the Award and Payment of Operating Differential Subsidy (ODS) for Liner Operator.	**A. Abstract:** The principal purpose of this part is to set standards for the payment of ODS to operators of liner vessels, and it includes a reduction formula applicable where less than 50 percent of gross freight revenues are earned from the carriage of "competitive cargo". This review is intended to restructure and clarify this part and consolidate it with *other ODS regulations in Chapter II of 46 CFR. Rulemaking will not proceed until Review of all ODS regulations. No anticipated further action until review completed of all ODS regulations .* **B. CFR Citation:** 46 CFR Pt. 280 **C. Legal Authority:** 46 U.S.C. 1173 **D. Effects on Small Entities:** No **G. Agency Contact:** E. A. Uttridge, (202) 382-0400	Completion of Review.	Fall 1982	
Merchant Ship Sales Act of 1946 - Rules and Regulations, Forms and Citizenship Requirements.	**A. Abstract:** This regulation principally concerns the sale, charter or transfer of vessels built during World War II which are owned by the Government. The review is for the purpose of determining whether the entire part or most of its provisions are obsolete and should be revoked. **B. CFR Citation:** (Chapter II, Subchapter F) **C. Legal Authority:** 15 U.S.C. 1735 **D. Effects on Small Entities:** No **G. Agency Contact:** Jessie Fernanders, (202) 426-5821	Completion of Review.	11/82	
Procedures - Records Retention Schedule for Subsidized Operators.	**A. Abstract:** The purpose of this subpart is to prescribe the procedures to be followed by subsidized operators for the retention and disposal of books, records and accounts required under ODS agreements. The review will be for the purpose of determining whether existing record retention requirements impose a reasonable burden on subsidized operators relative to the benefits conferred and the legitimate needs of Marad in administering the ODS programs. **B. CFR Citation:** 46 CFR Pt. 380, Subpart C **C. Legal Authority:** 46 U.S.C. 1114 **D. Effects on Small Entities:** No **G. Agency Contact:** Mary Jane Harvey, (202) 426-5184	Completion of Review.	11/82	

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Application for Subsidies and Other Direct Financial Aid.	**A. Abstract:** This Part prescribes the MARAD application forms for Construction and Operating Differential Subsidies (CDS and ODS), as well as the form for the MARAD approvals that subsidized operators must obtain in order to engage in otherwise prohibited activities. The part also contains certain substantive provisions. The development of comprehensive CDS regulations, including uniform contract provisions, has been curtailed pending an Administration review of CDS. **B. CFR Citation:** 46 CFR Pt. 251 **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** Robert Patton, Jr., (202) 426-5746	Completion of Review.	10/82	

APPENDIX A - INSTRUCTIONS FOR OBTAINING COPIES OF REGULATORY DOCUMENTS

United States Coast Guard (USCG)

Persons who desire to obtain a copy of any regulatory document to be issued by the USCG that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person) United States Coast Guard, 2100 Second Street, SW., Washington, D.C. 20593.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-426-8058 or by writing to: Federal Aviation Administration, Office of Public Affairs. Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591.

Federal Highway Administration (FHWA)

The FHWA maintains a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Persons may selectively choose to receive rulemaking materials in a number of separately identified program categories from the Code of Federal Regulations, Title 23. Those wishing to take advantage of the FHWA consumer mailing list may obtain additional information by writing to: Consumer Affairs Representative, Office of Public Affairs, Room 4206, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any other regulatory document to be issued by the NHTSA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-0679.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Urban Mass Transit Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1909.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the appropriate address specified below. For contact persons with (202), telepone area code: (name of contact person), Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20591. For contact persons with (315) telephone area code: (name of contact person), Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mrs. Sandra Cureton, Information Services Division, DMT-43, 400 7th Street, SW., Washington, D.C. 20590.

Maritime Administration (MARAD)

Any one desiring a copy of a MARAD regulatory document referred to in the Agenda may request a copy of that document by contacting Mr. Robert J. Patton, Jr., Secretary, Maritime Administration, 400 Seventh Street, S.W. (Room 7300 B), Washington, D.C. 20590 (202) 426-5746. T1

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590, (202) 426-4723.

Persons who have an interest in specific regulatory documents to be issued by the office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired.

APPENDIX B - GENERAL RULEMAKING CONTACT PERSONS

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room 4402, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: 202/426-1477.

FAA - Edward Faberman, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Telephone: 202/426-3644.

FHWA - Thomas P. Holian, Office of the Chief Counsel, 400 7th Street, S.W., Room 4223, Washington, D.C. 20590. Telephone: 202/426-0761.

FRA - Mike Haley, Office of Chief Counsel, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Telephone: 202/426-0767.

NHTSA - Roger Tilton, Office of Chief Counsel, 400 7th Street, S.W., Room 5219, Washington, D.C. 20590. Telepohone: 202/426-9511.

UMTA - Doug Gold, Office of Chief Counsel, 400 7th Street, S.W., Room 9225, Washington, D.C. 20590. Telephone: 202/426-4011.

SLSDC - Bob Kraft, Office of Chief Counsel, 800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Telepohone: 202/426-3574.

RSPA - Elaine Economides, Office of Chief Counsel, 400 7th Street, S.W. Room 8420, Washington, D.C. 20590. Telephone: 202/755-4972.

MARAD - Mr. Robert J. Patton, Jr., Secretary, Maritime Administration, 400 7th Street, S.W., Room 7300B, Washington, D.C. 20590, Telephone: 202/426-5747.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Telephone: 202/426-4723.

APPENDIX C - PUBLIC RULEMAKING DOCKETS

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 2nd Street, S.W., Room 4402, Washington, D.C. 20593. Working Hours: 7:30-4:00.

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street, S.W., Room 4205, (Federal Motor Carrier Safety Regulations in Room 3404) Washington, D.C. 20590. Working Hours: 7:45-4:15.

FRA - Docket Clerk, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street, S.W., Room 5108, Washington, D.C. 20590. Working Hours: 7:45-4:15.

UMTA - Docket Clerk, 400 7th Street, S.W., Room 9228, Washington, D.C. 20590. Working Hours: 8:30-5:00.

SLSDC - 800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Working Hours: 8:30-5:00.

RSPA - Docket Branch, 400 7th Street, S.W., Room 8426, Washington, D.C. 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street, S.W., Room 7300B, Washington, D.C. 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Working Hours: 9:00-5:30.

APPENDIX D

Innovative Regulatory Techniques

As explained in the preamble, the public's views are solicited with respect to the Department's regulatory programs where innovative regulatory techniques can be applied effectively to reduce the burden on regulated entities or to reduce governmental costs. The following are descriptions of particular techniques that have shown promise throughout the federal government.

Enhance Competition

An agency seeks to achieve a valid regulatory goal through generally increasing its sensitivity to market structure by, for example, removing barriers to and constraints on competition.

Marketable Rights

In place of detailed government controls, an agency limits private-sector rights to engage in a specific activity or to use scarce resources, but allows private parties to exchange, trade, or sell these rights. The agency maintains overall control while letting the affected parties arrange the detailed allocation of rights in the free market.

Economic Incentives

An agency provides economic incentives that are supplements or alternatives to government standards and regulations by structuring fees or subsidies to encourage the private sector to achieve regulatory goals. Incentives replace rigidly enforced regulatory standards.

Performance Standards

An agency replaces design standards which specify strict means of compliance with more general standards based on overall performance levels. Firms or businesses are free to find the most efficient way of complying with the standards.

Information Disclosure

An agency requires that users or consumers be provided with information choices among competing goods and services and be free to choose on the basis of that information. The agency may provide information directly to the public (e.g., uniform tire quality grading standards.)

Voluntary Standard Setting

An agency supplements or substitutes direct Federal regulation with voluntary standards developed and enforced by the regulated sectors.

Compliance Reform

An agency replaces or supplements government compliance monitoring and enforcement with other mechanisms, such as third-party monitoring, supervised self-certification, and economically-based penalties (e.g., third party inspection of emergency equipment aboard ships).

Tiering

An agency takes into account the size and nature of regulated organizations when it develops or revises its regulations (e.g., certain FAA, RSPA, and NHTSA exemptions).

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10-28-82
Vol. 47—No. 209
BOOK 3:
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48681–49004

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Book 3 of 3 Books
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48715 Part XVI—ACTION

48719 Part XVII—Advisory Council on Historic Preservation

48721 Part XVIII—Architectural and Transportation Barriers Compliance Board

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48792 Part XXIII—General Services Administration

48807 Part XXIV—Agency for International Development, IDCA

48810 Part XXV—National Aeronautics and Space Administration

48815 Part XXVI—National Foundation on the Arts and the Humanities

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48822 Part XXVIII—Office of Management and Budget

48826 Part XXIX—Office of Personnel Management

48837 Part XXX—Pennsylvania Avenue Development Corporation

48840 Part XXXI—Pension Benefit Guaranty Corporation

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48856 Part XXXIV—Small Business Administration

48860 Part XXXV—Veterans Administration

48868 Part XXXVI—Civil Aeronautics Board

48878 Part XXXVII—Commodity Futures Trading Commission

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48902 Part XL—Federal Energy Regulatory Commission, DOE

48907 Part XLI—Federal Home Loan Bank Board

48910 Part XLII—Federal Maritime Commission

(Continued on inside cover)

48916 Part XLIII—Federal Reserve System

48924 Part XLIV—Federal Trade Commission

48942 Part XLV—Interstate Commerce Commission

48954 Part XLVI—National Credit Union Administration

48960 Part XLVII—Nuclear Regulatory Commission

48988 Part XLVIII—Securities and Exchange Commission

49003 Part XLIX—Tennessee Valley Authority

federal register

Thursday
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Part XV

Department of the Treasury

Office of the Secretary
Secret Service
Bureau of Alcohol, Tobacco and Firearms
Comptroller of the Currency
Customs Service
Internal Revenue Service

Semiannual Agenda

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Subtitle A, Ch. I and Ch. II

Semiannual Agenda

AGENCY: Office of the Secretary, Treasury.

ACTION: Semiannual Agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96–354, September 19, 1980) and Executive Order 12291 ("Federal Regulation", February 17, 1981), which require the publication of a semiannual agenda of regulations under development or review and regulatory actions which have been completed. Within the Office of the Secretary the following offices have regulations under development or review or have completed regulatory actions: Office of the General Counsel, Office of Revenue Sharing, and the Fiscal Service (Bureau of Government Financial Operations).

FOR FURTHER INFORMATION CONTACT: For additional information about a specific Office of the Secretary regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action. For general information concerning this agenda contact Richard S. Carro, Special Assistant for Regulatory Affairs, Office of the General Counsel, Department of the Treasury, Room 1409, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220, (202) 566–2327.

OFFICE OF THE SECRETARY

Current and Projected Rulemakings

1. (a) Intergovernmental Review of Federal Progress

(b) Agency Contact: Robert W. Refuse, J.C., Deputy Assistant Secretary for State and Local Finance, Department of Treasury, Room 3026, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220, (202) 566–8661.

(c) Effects on Small Business: This regulation is not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: Not applicable.

(e) Legal Authority: E.O. 12372; 5 U.S.C. 301.

(f) Abstract: This regulation would implement E.O. 12372 to facilitate the intergovernmental review of Federal programs of financial assistance or direct development. Consistent with the Executive Order the regulation provides for increased participation by States in the decisionmaking process for Federal assistance programs.

(g) Timetable: This regulation is expected in early 1983.

Review of Existing Regulations

None.

Completed Actions

None.

OFFICE OF THE GENERAL COUNSEL

Current and Projected Rulemakings

1. (a) Title: Amendment or Removal of Obsolete Regulations

(b) Agency Contact: Stephanie Dick, Attorney-Advisor, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 2000, Washington, D.C. 20220, (202) 566–9947.

(c) Effects on Small Businesses: The regulations are not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citations: 31 CFR Parts 53, 55, 81, 90, 92, 93, 120, 121, 122 and 127.

(e) Legal Authority: 5 U.S.C. 301.

(f) Abstract: This regulatory project addresses the amendment or removal of certain Treasury regulations which are now obsolete because of changed statutory requirements or because of changed conditions. The regulations proposed to be removed pertain to gold and silver and emergency banking regulations. These regulations are out of date and their revocation will reflect current practice. No costs are anticipated.

(g) Timetable: The final rule is expected to be published in the **Federal Register** in October, 1982.

Reviews of Existing Regulations

None.

Completed Actions

1. (a) Title: Regulations Implementing the Equal Access to Justice Act

1. (a) Title: Regulations Implementing the Equal Access to Justice Act

(b) Agency Contact: Stephanie Dick, Attorney-Advisor, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 2000, Washington, D.C. 20220, (202) 566–9947.

(c) CFR Citation: 31 CFR Part 6.

(d) Federal Register Citation: 47 FR 20763 (May 14, 1982).

(e) Reason for Completion: Final rulemaking.

OFFICE OF REVENUE SHARING

Current and Projected Rulemakings

1. (a) Title: Regulations to Implement Legislation Renewing the General Revenue Sharing Program

(b) Agency Contact: Richard S. Isen, Chief Counsel, or Jacqueline L. Jackson, Attorney-Advisor, Office of Chief Counsel, Office of Revenue Sharing, Department of the Treasury, Washington, D.C. 20226, (202) 634–5182.

(c) Effects on Small Businesses: The projected regulations are not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: 31 CFR Part 51.

(e) Legal Authority: Not applicable (see abstract).

(f) Abstract: The funding authorization for the General Revenue Sharing Program expires on September 30, 1983. If renewal legislation is enacted prior to the end of the fiscal year, the Office of Revenue Sharing will begin to develop regulations to implement that legislation.

(g) Timetable: No timetable can be projected at this time.

2. (a) Title: Revision of Handicapped Discrimination Regulations

(b) Agency Contact: Richard S. Isen, Chief Counsel, or Jacqueline L. Jackson, Attorney-Advisor, Office of Chief Counsel, Office of Revenue Sharing, Department of the Treasury, Washington, D.C. 20226, (202) 634–5182.

(c) Effects on Small Businesses: The regulations are not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: 31 CFR Part 51.

(e) Legal Authority: 31 U.S.C. 1221 *et seq.* See also section 504 of the Rehabilitation Act of 1973, as amended.

(f) Abstract: The revenue sharing regulations implementing section 504 of the Rehabilitation Act of 1973, as amended, currently in interim form, may be revised and reissued during the next year. The HHS guidelines on which these regulations are patterned (45 CFR Part 85) are currently being revised by the Department of Justice (46 FR 40687). New guidelines are expected to be issued. The Office of Revenue Sharing will begin development of new regulations, based upon the Department of Justice guidelines, by issuance of regulations first in proposed and then in final form.

(g) Timetable: No timetable can be projected at this time.

3. (a) Title: Age Discrimination Regulations

(b) Agency Contact: Richard S. Isen, Chief Counsel, or Jacqueline L. Jackson, Attorney-Advisor, Office of Chief Counsel, Office of Revenue Sharing, Department of the Treasury, Washington, D.C. 20226, (202) 634–5182

(c) Effects on Small Businesses: The regulations are not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: 31 CFR Part 51.

(e) Legal Authority: 31 U.S.C. 1221 *et seq.*

(f) Abstract: The Office of Revenue Sharing is required, pursuant to the Age Discrimination Act of 1975, to issue regulations implementing that Act. A proposed rule containing these regulations was issued on December 31, 1979 (44 FR 77456), as part of the overall revision of the revenue sharing regulations. Final regulations were drafted and submitted in 1979 for approval to HHS. The regulations will be issued shortly after HHS provides final approval.

(g) Timetable: No timetable can be projected at this time.

Reviews of Existing Regulations

None.

Completed Actions

1. (a) Title: Definition of Indian Population

(b) Agency Contact: Richard S. Isen, Chief Counsel, or Jacqueline L. Jackson, Attorney-Advisor, Office of Chief Counsel, Office of Revenue Sharing, Department of the Treasury, Washington, D.C. 20226, (202) 634–5182.

(c) CFR Citation: 31 CFR Part 51.32(d).

(d) Federal Register Citation: 47 FR 25029 (August 18, 1982).

(e) Reason for Completion: Final rulemaking.

FISCAL SERVICE

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

Current and Projected Rulemakings

1. (a) Title: Revision of Treasury Department Circular (TDC) No. 1075, Regulations Governing Withdrawal of Cash from the Treasury for Advances Under Federal Grant and Other Programs

(b) Agency Contact: Paul J. Gist, Assistant Director, Cash Management Planning and Development Staff, 704–F, Premier Bldg., 1725 I Street, N.W., Washington, D.C. 20226, (202) 634–5772.

(c) Effects on Small Businesses: This regulation is not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: 31 CFR Part 205.

(e) Legal Authority: 5 U.S.C. 301; Sec. 203, 82 Stat. 1101 (42 U.S.C. 4213).

(f) Abstract: Revision of TDC No. 1075 will formally establish the Letter of Credit-Treasury Financial Communications System (LOC–TFCS). The two established letter of credit systems, the Letter of Credit-Federal Reserve Bank System and the Letter of Credit-Treasury Regional Disbursing Office System, do not provide the combination of Federal agency preaudit of payment requests and guaranteed payment time. The LOC–TFCS provides both of these features, thus enabling improved Federal control of advances made through letter of credit. In addition, other financing issues, such as developing more definitive guidelines for the immediate cash requirements of recipient organizations receiving advances of Federal funds, may be addressed at this time.

(g) Timetable: October 1982—publication of notice of proposed rulemaking; March 1983—publication of final rule.

2. (a) Title: Regulations Governing Payments Made by Electronic Funds Transfer (EFT)

(b) Agency Contact: Dan Gordon, Project Analyst, Banking & Cash Management Regulations and Compliance Staff, Cash Management, 1100 Premier Bldg., 1725 I Street, N.W., Washington, D.C. 20226, (202) 634–5705.

(c) Effects on Small Businesses: The regulations are not expected to have a significant economic impact on an substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: 31 CFR Part 210.

(e) Legal Authority: 5 U.S.C. 301; 12 U.S.C. 391; Title 31, U.S.C.

(f) Abstract: Because of the current work on the EFT Interagency Task Force, it is anticipated that in FY 1983 the above regulations governing the issuance of payments by EFT will be reviewed and possible revised.

Federal agencies involved in the Direct Deposit/EFT program report that some financial organizations have delayed the return of recurring benefits placed in the account of a deceased account holder after they have become aware of the death of a recipient. These same agencies have reported instances where the existing regulations have inhibited their ability to collect other funds after the death or legal incapacity of the recipient.

Regulations may be amended to increase the Government's recovery rate and improve the responsiveness of financial organizations.

(g) Timetable: No timetable can be projected at this time.

3. (a) Title: Regulations Governing Cash Management Practices within the Federal Government

(b) Agency Contact: Paul Wohlleben, Project Manager, Cash Management Planning and Development Staff, 704 Premier Bldg., 1725 I Street NW., Washington, D.C. 20226, (202) 634–5785.

(c) Effects on Small Businesses: The regulations are not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: This regulation is not published in the CFR. However, should the anticipated modifications be adopted, it may be elevated to CFR status. These regulations are found in Treasury Department Circular No. 1084.

(e) Legal Authority: 5 U.S.C. 301; 31 U.S.C. 484, 492(s), 492c and 1002.

(f) Abstract: Methods for improving the information being provided to the Treasury's Cash Forecasting Team are being evaluated. One feasible alternative entails modifying agency reporting to provide needed cash flow projections.

(g) Timetable: This regulatory project is currently in the research stage. No timetable can be projected at this time.

4. (a) Title: Regulations Governing the Utilization of the U.S. Treasury Financial Communications System

(b) Agency Contact: Paul Wohlleben, Project Manager, Cash Management Planning and Development Staff, 704 Premier Bldg., 1725 I Street NW., Washington, D.C. 20226, (202) 634–5785.

(c) Effects on Small Businesses: The regulations are not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: This regulation is not published in the CFR. However, should the anticipated modifications be adopted, it may be elevated to CRF status. This regulation may be found in Treasury Department Circular No. 1083.

(e) Legal Authority: 5 U.S.C. 301; 31 U.S.C. 484, 492(a), 492c, and 1002.

(f) Abstract: To further enhance the deposit and collection operations of the Government, increased use of the most efficient delivery system, the Treasury Financial Communications System (TFCS), must be accomplished. Some of the increase can be gained via voluntary actions by Federal agencies; however, mandatory use of TFCS for very large dollar deposits is considered a must to increase the efficiency of a significant number of large dollar deposits.

(g) Timetable: This regulation is currently in the research stage. No timetable can be projected at this time.

5. (a) Extension of Treasury Reclamation Authority

(b) Agency Contact: Michael D. Serlin, Assistant Commissioner, Room 416, Annex Building, Pennsylvania Avenue and Madison Place NW., Washington, D.C. 20226, (202) 566–5594.

(c) Effects on Small Businesses: This regulation is not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: 31 CFR Part 240.

(e) Legal Authority: 5 U.S.C. 301; 31 U.S.C. 528; 31 U.S.C. 561 *et seq.;* 31 U.S.C. 952.

(f) Abstract: The Treasury Department has experienced increasing reluctance and/or refusal on the part of banks receiving payment on Treasury checks bearing forged or unauthorized endorsements to honor Treasury's right to refund of the amounts paid. Treasury plans to set off the amount due, plus accrued interest against other federal agency payables due to the financial institution for items at least 120 days old. If unsuccessful in collecting from agency payables, setoff will be instituted against redeemed mature securities for items at least 150 days old. As a last resort, Treasury will instruct a federal reserve bank to debit the reserve account of the bank for the amount due Treasury for all outstanding items at least 180 days old. This rule is intended to improve Treasury debt collection efforts.

(g) Time table: Notice of proposed rulemaking was published on November 4, 1981 (46 FR 54763). The final rule is expected to be published in November 1982, effective December 1982.

Reviews of Existing Regulations

None.

Completed Actions

1. (a) Treasury Tax and Loan Accounts

(b) Agency Contact: John A. Kilcoyne, Assistant Fiscal Assistant Secretary (Banking), Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 2064, Washington, D.C. 20220, (202) 566–2553.

(c) CFR Citation: 31 CFR Part 203.

(d) Federal Register Citation: 47 FR 37081 (August 25, 1982).

(e) Reason for Completion: Final rulemaking.

2. (a) Title: Exchange of Paper Currency and Coin

(b) Agency Contact: Rudy Villarreal, Director, Currency Operations Division, Room 333, Bureau of Engraving and Printing Annex, Washington, D.C. 20226, (202) 447–0278.

(c) CFR Citation: 31 CFR Part 100.

(d) Federal Register Citation: 47 FR 32044 (July 23, 1982).

(e) Reason for Completion: Final rulemaking.

Dated: September 29, 1982.

By direction of the Secretary.

David E. Pickford,

Executive Secretary.

[FR Doc. 82-28105 Filed 10-27-82; 8:45 am]

BILLING CODE 4810-25-M

Secret Service

31 CFR Ch. I

Semiannual Agenda

AGENCY: Secret Service, Treasury.

ACTION: Semiannual Agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96–354, September 18, 1980) and Executive Order 12291 ("Federal Regulation", February 17, 1981), which require the publication of a semiannual agenda of regulations under development or review and regulatory actions which have been completed.

FOR FURTHER INFORMATION CONTACT: John M. Meenan, Acting Legal Counsel, U.S. Secret Service, Room 842, 1800 G Street, N.W., Washington, D.C. 20223, (202) 535–5771.

Current and Projected Rulemakings

None.

Reviews of Existing Regulations

None.

Completed Actions

1. (a) Title: Designation of Temporary Residence of the President.

(b) Agency Contact: John M. Meenan, Acting Legal Counsel, U.S. Secret Service, Room 842, 1800 G Street, N.W., Washington, D.C. 20223, (202) 535–5771.

(c) CFR Citation: 31 CFR Part 408.

(d) Federal Register Citation: 47 FR 27552 (June 25, 1982).

(e) Reason for Completion: Final rulemaking.

Dated: September 29, 1982.

By direction of the Secretary.

John R. Simpson,

Director.

[40 Doc. 82-28106 Filed 10-27-82; 8:45 am]

BILLING CODE: 4810-42-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice 425]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF); Treasury.

ACTION: General Notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section five of Executive Order 12291, entitled "Federal Regulation," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive Order, within the next six months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations will be published in the **Federal Register** of Friday, April 15, 1983.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact," for that regulatory project.

For general information about this general notice, contact Lori Weins.

Unless otherwise noted, the address and telephone number for all agency contacts is: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC, 20226; 202–566–7626 (not a toll-free number).

Following Part III is a table of abbreviations used throughout the agenda.

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

Signed: September 10, 1982.

Stephen E. Higgins,

Acting Director.

Part I—Current and Projected Rulemakings

ALCOHOL

Title: 100 and 375 ml Containers for Distilled Spirits

Agency Contact: Roger Bowling, ATF Specialist/Coordinator

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 5.47a

Legal Authority: 26 U.S.C. 5301, 27 U.S.C. 205.

Abstract: To provide for the bottling of distilled spirits in the proposed size; if adopted, will raise the total of authorized standards of fill to eight.

Timetable: NPRM published in the FR 8/16/82 (47 FR 35521); Comment period closes November 15, 1982; final action scheduled for the fall of 1983.

Title: Multi-vintage Dates and Percentages

Agency Contact: Roger Bowling, ATF Specialist/Coordinator

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR 4.28, 4.39, 4.64

Legal Authority: 27 U.S.C. 205.

Abstract: To provide for the labeling and advertising of the vintage dates and the percentages of each vintage which have been used to make a blended wine.

Timetable: ANPRM (Notice No. 357) published in FR, November 13, 1980 (45 FR 74942); NPRM published in FR, August 5, 1981 (46 FR 39849); final action scheduled for Winter of 1983/1984.

Title: Certificate of Bottling Date for Imports

Agency Contact: Roger Bowling, ATF Specialist/Coordinator

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 4

Legal Authority: 27 U.S.C. 205.

Abstract: Provides that wines imported on or after January 1, 1983, need not comply with the new labeling requirements and percentages if accompanied by a certificate certifying that the wine was bottled prior to January 1, 1983. These new labeling regulations affect varietal percentages, appellation of origin percentages, use, and type size, name and address requirements, and estate bottling requirements.

Timetable: TD w/notice scheduled for publication in FR Winter 1982/83.

Title: Geographic Brand Names

Agency Contact: Roger Bowling, ATF Specialist/Coordinator

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 4.34, 4.39, and 4.35

Legal Authority: 27 U.S.C. 205.

Abstract: To extend the mandatory compliance date of January 1, 1983, to January 1, 1985, for the use of brand names that have geographical significance in relation to wines. (e.g., viticultural areas)

Timetable: NPRM scheduled for publication in the FR Winter of 1982/83.

Title: Vintage Wine (cider)

Agency Contact: Roger Bowling, ATF Specialist/Coordinator

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 4

Legal Authority: 27 U.S.C. 205.

Abstract: To extend the eligibility for vintage labeling to Class 5, fruit wines.

Timetable: NPRM published in the FR November 5, 1981 (46 FR 54963) final action scheduled for Spring 1983.

Title: Wawszkiewicz v. Department of the Treasury et al., 670 F. 2d 296 (D.C. CIR 1979)

Agency Contact: Roger Bowling, ATF Specialist/Coordinator

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 4

Legal Authority: 27 U.S.C. 205.

Abstract: Defers mandatory compliance dates of name and address requirements and appellation-of-origin type size. Due to the Court of Appeals decision, the regulations have been remanded to ATF for review and reconsideration.

Timetable: NPRM scheduled for publication in FR Winter of 1982/1983.

Title: Implementation of the "Wine Impact Bill" (Pub. L. 96-598)

Agency Contact: John Linthicum, ATF Specialist

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR 19.11, 37-40, 42, 346, 372, 402, 505, 566, 681, 748, 763, 764, 778-780 and Subpart Z; 197.105, 109, 115, 130, and 130b; 250.11, Subpart Ea, and Subpart Ja; 251.11, 40, Subpart Da; 252.195b and 304.

Legal Authority: 26 U.S.C. 5010.

Abstract: Restores the tax system which existed for distilled spirits products containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants.

Timetable: TD with Notice scheduled for publication Summer of 1983.

Title: Proposed Viticultural Areas by Petition

Agency Contact: Refer to the names in parentheses in the list below.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 9

Legal Authority: 27 U.S.C. 205.

Abstract: Establishes American viticultural areas for purposes of labeling and advertising of wine.

Timetable: Refer to the following list of petitioned American viticultural areas:

Under Consideration

Title and Timetable

Alexander Valley, CA (Jim Whitley): NPRM published in the FR on August 19, 1982 (47 FR 35521); comment period closes October 18, 1982; final action scheduled for the Fall of 1983.

Carmel Valley, CA (John Linthicum): NPRM published in the FR on August 26, 1982 (47 FR 37588); comment period closes September 24, 1982; final action scheduled for the Spring of 1983.

Central Delaware Valley, PA and NJ (Steve Simon): NPRM published in the FR on December 4, 1981 (46 FR 59276); comment period closed March 4, 1982; final action scheduled for the Spring of 1983.

Chalk Hill, CA (Jim Whitley): NPRM published in the FR on May 12, 1982 (47 FR 20321); comment period closed July 12, 1982; final action scheduled for Spring of 1983.

Cole Ranch, CA (Steve Simon): NPRM published in the FR on December 4, 1981 (46 FR 59273); comment period closed March 4, 1982; final action scheduled for Winter of 1982/1983.

Green Valley of Solano, CA (Robert White): NPRM published in the FR on January 11, 1981 (47 FR 1149); comment period closed March 12, 1982; final action scheduled for Spring of 1983.

Loramie Creek, OH (Lori Weins): NPRM published in the FR September 1, 1982 (47 FR 38553); comment period closed October 1, 1982; final action scheduled for Winter 1982.

Los Carneros, CA (Steve Simon): Amended NPRM published in the FR on June 4, 1982 (47 FR 24344); comment period closed August 3, 1982; final action scheduled for the Fall of 1983.

Madera, CA (Norman Blake): NPRM published in the FR on January 26, 1982 (46 FR 3564); comment period ended March 12, 1982. Request for public hearing submitted by Portuguese government to further explain their objection, based on recognition of "Madera" by ATF as a semi-generic appellation. Request is currently being considered; final action scheduled for the Fall of 1983.

North Coast, CA (Charles Bacon): Amended NPRM published in the FR on January 11, 1982 (47 FR 1151); comment period ended February 25, 1982; final action scheduled for the Spring of 1983.

North Fork of the Roanoke, VA (James Hunt): NPRM published in the FR on July 27, 1982 (47 FR 32448); comment period ended August 26, 1982; final action scheduled for Winter 1982/83.

Rocky Knob, VA (James Hunt): NPRM published in the FR on November 19, 1981 (46 FR 56828); comment period ended February 27, 1982; final action scheduled for the Spring of 1983.

Shenandoah Valley, VA and WVA (James Hunt): NPRM published in the FR on August 20, 1982 (47 FR 36445); comment period ended October 4, 1982; final action scheduled for the Fall 1982.

Shenandoah Valley, VA (James Hunt): Notice of hearings published in the FR on October 30, 1981 (46 FR 53691); hearings held on December 7 and 8, 1981; and on January 12 and 13, 1982; final action scheduled for the Fall of 1982.

Suisun Valley, CA (Robert White): NPRM published in the FR on January 11, 1982 (47 FR 1153); comment period ended March 12, 1982; final action scheduled for the Spring of 1983.

Temecula, Murrieta and Rancho California, CA (John Linthicum): NPRM published in the FR on July 27, 1982 (47 FR 32450); comment period ends September 10, 1982; final action scheduled for Spring of 1983.

Under Development (Petitions Received and Being Processed)

Title/Agency Contact and Timetable

Anderson Valley (Robert White): NPRM scheduled for publication in the FR Spring of 1983.

Arkansas Mountain, AR (Steve Simon): NPRM scheduled for publication in the FR Fall of 1983.

Altus, AR (Steve Simon): NPRM scheduled for publication in the FR Spring of 1983.

Arroyo Seco, CA (Charles Bacon): NPRM scheduled for publication in the FR Winter of 1982/83.

Catoctin, MD (Jim Whitley): NPRM scheduled for publication in the FR Winter of 1982/83.

Central Coast, CA (John Linthicum): NPRM scheduled for publication in the FR Summer of 1983.

Clarksburg, CA (Jim Whitley): NPRM scheduled for publication in the FR Summer of 1983.

Clear Lake, CA (Jim Whitley): NPRM scheduled for publication in the FR Fall of 1983.

Columbia Valley, WA (Charles Bacon): NPRM scheduled for publication in the FR Spring of 1983.

Dry Creek Valley, CA (Jim Whitley): NPRM scheduled for publication in the FR Spring of 1983.

El Dorado, CA (James Hunt): NPRM scheduled for publication in the FR Winter of 1982/83.

Fiddletown, CA (James Hunt): NPRM scheduled for publication in the FR Spring of 1983.

Grand River Valley, OH (John Linthicum): NPRM scheduled for publication in the FR Summer of 1983.

Green Valley of Sonoma, CA (Robert White): NPRM scheduled for publication in the FR Winter of 1982/83.

Hermann, MO (Norman Blake): NPRM scheduled for publication in the FR Spring of 1983.

King City, CA (Charles Bacon): NPRM scheduled for publication in the FR Fall of 1983.

Knights Valley, CA (Jim Whitley): NPRM scheduled for publication in the FR Spring of 1983.

Lake Michigan Shore, MI (Norman Blake): NPRM scheduled for publication in the FR Summer of 1983.

Lake Erie, NY, PA, and OH (Robert White): NPRM scheduled for publication in the FR Summer of 1983.

Linganore, MD (Jim Whitley): NPRM scheduled for publication in the FR Winter of 1982/83.

Lodi, CA (Robert White): NPRM scheduled for publication in the FR Summer of 1983.

Martha's Vineyard, MA (Charles Bacon): NPRM scheduled for publication in the FR Spring of 1983.

Mendocino, CA (Robert White): NPRM scheduled for publication in the FR Summer of 1983.

Merritt Island, CA (Norman Blake): NPRM scheduled for publication in the FR Winter of 1982/83.

Mississippi Delta, MS (Steve Simon): NPRM scheduled for publication in the FR Spring of 1983.

Monterey, CA (Robert White): NPRM scheduled for publication in the FR Summer of 1983.

Monticello, VA (Norman Blake): NPRM scheduled for publication in the FR Winter of 1982/83.

New England South Coast, RI, MA, CT (Charles Bacon): NPRM scheduled for publication in the FR Summer of 1983.

Northern Sonoma, CA (John Linthicum): NPRM scheduled for publication in the FR Fall of 1983.

Ohio River Valley, IN, OH, WVA, KY (John Linthicum): NPRM scheduled for publication in the FR Spring of 1983.

Ozark Mountains, AR (Steve Simon): NPRM scheduled for publication in the FR Spring of 1983.

Pacheco Valley, CA (Steve Simon): NPRM scheduled for publication in the FR Summer of 1983.

Paso Robles, CA (Roger Bowling): NPRM scheduled for publication in the FR Spring of 1983.

Potter Valley, CA (James Hunt): NPRM scheduled for publication in the FR Spring of 1983.

Russian River Valley, CA (James Hunt): NPRM scheduled for publication in the FR Spring of 1983.

San Lucas, CA (Charles Bacon): NPRM scheduled for publication in the FR Fall of 1983.

Santa Ynez Valley, CA (Charles Bacon): NPRM scheduled for publication in the FR Winter of 1982/83.

Sobre Vista Vineyards, CA (John Linthicum): NPRM scheduled for publication in the FR Spring of 1983.

Sonoma Mountain, CA (John Linthicum): NPRM scheduled for publication in the FR Spring of 1983.

Umpqua Valley, OR (Robert White): NPRM scheduled for publication in the FR Summer of 1983.

Walla Walla Valley, WA (Norman Blake): NPRM scheduled for publication in the FR Summer of 1983.

Williamette Valley, OR (Norman Blake): NPRM scheduled for publication in the FR Summer of 1983.

Willow Creek, CA (Roger Bowling): NPRM scheduled for publication in the FR Spring of 1983.

Yakima Valley, WA (Charles Bacon): NPRM scheduled for publication in the FR Spring of 1983.

York Mountain, CA (James Hunt): NPRM scheduled for publication in the FR Spring of 1983.

Title: Implementation of the Distilled Spirits Tax Revision Act of 1979 and Vinegar Regulations

Agency Contact: Robert Daugherty.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 5, 13, 19, 170, 173, 194, 195, 196, 197, 200, 211, 212, 213, 231, 240, 250, 251 and 252.

Legal Authority: 26 U.S.C. Chapter 51, as amended.

Abstract: Eliminates the wine gallon method of imposing the distilled spirits tax and the rectification tax; converts DSP from the former distilled spirits tax system to an all-in-bond tax system; incorporates other amendments from prior projects.

Timetable: NPRM published in the FR July 18, 1979. Temporary Regulations published in the FR December 11, 1979; final action scheduled for Spring 1983.

Title: Reporting Taxes Due to the Governments of Puerto Rico and the Virgin Islands

Agency Contact: John Linthicum.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 19.377.

Legal Authority: 26 U.S.C. 5555, 26 U.S.C. 5207.

Abstract: Changes the reporting requirements for most Puerto Rican and Virgin Islands spirits bottled at domestic distilled spirits plants from the point these spirits enter the processing account to the point of tax determination.

Timetable: NPRM published in the FR April 13, 1981 (46 FR 2164); final action scheduled for Spring of 1983.

Title: Standard of Identity for Vodka

Agency Contact: Charles Bacon.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 5.22.

Legal Authority: 27 U.S.C. 205.

Abstract: Considers clarifying the standard of identity for vodka or adding another type of vodka which would provide for the addition of sugar and citric acid.

Timetable: ANPRM published in the FR on Janaury 11, 1982 (47 FR 1148); Extended comment period closed July 11, 1982; final action scheduled for Spring of 1984.

Title: Restoration of Water Lost in Heat Evaporation of Standard Wine Under a Vacuum

Agency Contact: Mike Breen, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 4, 27 CFR 240.

Legal Authority: 26 U.S.C. 5382.

Abstract: Clarifies regulations relating to the addition of water to wine and to reflect technological advances in the wine industry since the regulations were last revised.

Timetable: NPRM published in the FR July 27, 1982 (47 FR 32447); comment period closed September 27, 1982; final action scheduled for Spring 1983.

Title: Materials and Processes for the Production and Treatment of Wine

Agency Contact: Mike Breen, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 240.

Legal Authority: 27 U.S.C. 5382.

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable: NPRM published in the FR June 18, 1982 (47 FR 26399); comment period closed August 17, 1982; final action scheduled for Fall 1983.

PROCEDURES AND PRACTICES

Title: Electronic Fund Transfer of Alcohol and Tobacco Products Excise Taxpayments

Agency Contact: James Hunt, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 19, 70, 170, 240, 245, 270 and 275.

Legal Authority: 26 U.S.C. 5061(a), 5703(b), and 7805.

Abstract: Requires that certain taxpayers make their taxpayments by electronic fund transfer directly to financial institutions.

Timetable: NPRM published in FR June 6, 1980; TD implementing EFT published in FR January 13, 1981; TD to delay effective date published in FR 6–1–81.

TOBACCO PRODUCTS

Title: Tobacco Products Excise Tax Acceleration Project

Agency Contact: James Hunt, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 270 and 275.

Legal Authority: 26 U.S.C. 5061(a), 5703(b), and 7805.

Abstract: Changes the deferral and return periods for excise taxpayments made by the large tobacco products taxpayers.

Timetable: Project being held in abeyance.

Part II—Reviews of Existing Regulations

Title: Health Hazards Related to Alcohol Consumption

Agency Contact: Candace Moberly.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 4, 5, and 7 (entire part).

Legal Authority: Federal Alcohol Administration Act.

Abstract: To monitor the efforts of the beverage alcohol industry in their public awareness campaign on health hazard issues related to alcohol consumption in lieu of a regulatory requirement to provide health warning statements on beverage alcohol products.

Timetable: Final action undetermined.

Title: Advertising of Wine, Distilled Spirits, and Malt Beverages

Agency Contact: Roger Bowling, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 4, 5, 7.

Legal Authority: 27 U.S.C. 205.

Abstract: To modernize the advertising regulations under section 5(f) of the Federal Alcohol Administration Act.

Timetable: ANPRM (Notice No. 313) published in FR, November 21, 1978; comment period ended March 23, 1979; NPRM published in FR, December 19, 1980; comment period ended March 19, 1981; notice of hearings published in FR July 20, 1981; Hearings held September 9–10 and December 10–11; Notice reopening comment period published in FR March 19, 1982; comment period ended April 19, 1982; final action scheduled for Fall of 1983.

Title: Recodification of 27 CFR Part 4

Agency Contact: Roger Bowling, ATF Specialist/Coordinator; Norman Blake, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 4.

Legal Authority: 27 U.S.C. 205.

Abstract: To revise the wine labeling and advertising regulations; where applicable, to incorporate production regulations; and due to statutory amendments requested, may result in a legislative submission.

Timetable: NPRM scheduled for publication in the FR Spring of 1985.

Title: Distilled Spirits Liquor Bottles

Agency Contact: Robert White, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 19, 173, 194, 250, 251.

Legal Authority: 26 U.S.C. 5301 and 7805.

Abstract: To eliminate registration of liquor bottle manufacturers with ATF; to amend the Liquor Bottle indicia requirements and to simplify procedures for approval of distinctive liquor bottles by ATF.

Timetable: NPRM (Notice No. 382) published in FR September 2, 1981; comment period ended December 1, 1981; final action scheduled for Winter of 1982/83.

Title: Wholesale and Retail Liquor Dealers; Elimination of Public Use Forms

Agency Contact: Norman Blake, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 194.110 and Subpart 0; 250.165, 274, 275; 251.135 and 136.

Legal Authority: 26 U.S.C. 5114.

Abstract: To eliminate two public use forms and other recordkeeping requirements currently required of wholesale and retail liquor dealers and importers; to incorporate adjusted interest rates charged on special (occupational) tax.

Timetable: NPRM (Notice No. 383) published in **Federal Register** September 18, 1981; comment period closed December 17, 1981; final action scheduled for Winter 1982/83.

Title: Nonbeverage Drawback

Agency Contact: Steve Simon, ATF Specialist.

Effects on Small Businesses and Other Entities: This regulation affects approximately 500 entities.

CFR Citation: 27 CFR Part 197.

Legal Authority: 26 U.S.C. 5131 *et seq.*

Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable: NPRM scheduled for publication in the **Federal Register** Summer of 1983.

Title: Recodification of 27 CFR Parts 211 and 213 as 27 CFR Parts 20 and 22

Agency Contact: Norman Blake, ATF, Specialist/Coordinator or John Linthicum, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 211 and 213.

Legal Authority: 26 U.S.C. 5272.

Abstract: To liberalize the qualification, bonding, operational, recordkeeping, and reporting requirements imposed on users and dealers of specially denatured spirits and users of tax-free alcohol.

Timetable: NPRM (Notice No. 389) published in **Federal Register** October 23, 1981; comment period closed January 21, 1982; final action scheduled for Fall 1983.

Title: Formulas for Denatured Alcohol and Rum

Agency Contact: Steve Simon, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 212.

Legal Authority: 26 U.S.C. 5241.

Abstract: To update, clarify, simplify, and recodify the regulations relating to formulas for denatured alcohol and rum.

Timetable: NPRM (Notice No. 364) published in **Federal Register** January 29, 1981; comment period closed March 30, 1981; final action scheduled for Spring 1983.

Title: Recodification of Wine Regulations (Subpart XX)

Agency Contact: James Hunt, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 170 (Subpart Z), 231 and 240 as 27 CFR Part 24.

Legal Authority: 26 U.S.C. 7805.

Abstract: To update, simplify, and clarify regulations relating to wine; and to incorporate ATF Rulings.

Timetable: NPRM scheduled for publication Spring of 1983.

Title: Recodification of Beer Regulations

Agency Contact: Charles Bacon, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 245.

Legal Authority: 26 U.S.C. 5051 *et seq.* and 26 U.S.C. 5401 *et seq.*

Abstract: To simplify and clarify regulations relating to the production and taxpayment of beer; to simplify and reduce paperwork and recordkeeping requirements imposed on industry; and to reflect technological advances in the beer industry since the regulations were last revised.

Timetable: NPRM scheduled for publication in the winter of 1982/83.

Title: U.S. Customs Service Certification on Distilled Spirits from Puerto Rico

Agency Contact: Robert White, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 250.

Legal Authority: 26 U.S.C. 7805.

Abstract: To change the U.S. Customs Service Certification on distilled spirits entering the United States from Puerto Rico.

Timetable: NPRM scheduled for publication in the **Federal Register** Fall of 1983.

PROCEDURES AND PRACTICES

Title: Losses Resulting from Disaster, Vandalism, or Malicious Mischief

Agency Contact: Jim Whitley, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 170 (Subpart O redesignated as 27 CFR Part 29 (Subpart A).

Legal Authority: 26 U.S.C. 5064 and 26 U.S.C. 7805.

Abstract: To streamline the processing of claims for customs duties and other miscellaneous amendments.

Timetable: NPRM publication in the **Federal Register** for the Spring of 1983.

TOBACCO PRODUCTS

Title: Shipment of Tobacco Articles from Puerto Rico to the United States and Related Amendments

Agency Contact: John Linthicum, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 270.187, 202; 275.11, 85, 101–114a, 117, 118, 121, 124, 135–142, 181, 183.

Legal Authority: 26 U.S.C. 7651.

Abstract: To eliminate U.S. Customs Service involvement in the shipment of Puerto Rican tobacco products to the United States and to eliminate direct ATF Supervision of Tobacco product shipments from Puerto Rico.

Timetable: NPRM scheduled for publication in the **Federal Register** Fall of 1983.

Title: Manufacturer's Identification on Tobacco Products Packages

Agency Contact: Steve Simon, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 270.11, 212; 275.163, 170, 172, 174; 290.11, 181, 185 and Subpart L; 295.42.

Legal Authority: 26 U.S.C. 5723.

Abstract: To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

Timetable: NPRM scheduled for publication in the **Federal Register** Winter of 1982/83.

Part III—Completed Actions

Title: Transfer of Wine, Without Payment of Tax to Customs Bonded Warehouses

Agency Contact: Steve Simon, ATF Specialist.

FR Citation: 47 FR 20302.

Date of Final Action: May 12, 1982.

Type of Final Action: Treasury Decision (final rule); T.D. ATF–100.

Title: Edna Valley, CA—Viticultural Area

Agency Contact: Robert White, ATF Specialist.
FR Citation: 47 FR 20298.
Date of Final Action: May 12, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–101.

Title: Lancaster Valley, PA—Viticultural Area

Agency Contact: Charles Bacon, ATF Specialist/Coordinator.
FR Citation: 47 FR 20300.
Date of Final Action: May 12, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–102.

Title: Distribution and Use of Denatured Alcohol and Rum and Distribution and Use of Tax-Free Alcohol

Agency Contact: Norman Blake, ATF Specialist/Coordinator; John Linthicum, ATF Specialist.
FR Citation: 47 FR 22522.
Date of Final Action: May 25, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–103.

Title: Reduction of the Regulatory Requirements on Producers of Volatile Fruit Flavor Concentrate Plants

Agency Contact: Jim Whitley, ATF Specialist.
FR Citation : 47 FR 23920.
Date of Final Action: June 2, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–104.

Title: Hudson River Region, NY—Viticultural Area

Agency Contact: John Linthicum, ATF Specialist.
FR Citation: 47 FR 24293.
Date of Final Action: June 4, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–105

Title: Lime Kiln Valley, CA–Viticultural Area

Agency Contact: Roger Bowling, ATF Specialist/Coordinator.
FR Citation: 47 FR 24295.
Date of Final Action: June 4, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–106.

Title: Chalone, CA–Viticultural Area

Agency Contact: Norman Blake, ATF Specialist/Coordinator.
FR Citation: 47 FR 25517.
Date of Final Action: June 14, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–107.

Title: Paicines, CA—Viticultural Area

Agency Contact: Robert White, ATF Specialist.
FR Citation: 47 FR 35480.
Date of Final Action: August 16, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–108.

Title: Cienega Valley, CA—Viticultural Area

Agency Contact: Robert White, ATF Specialist.
FR Citation: 47 FR 36125.
Date of Final Action: August 19, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–109.

Title: Isle St. George, OH—Viticultural Area

Agency Contact: Charles Bacon, ATF Specialist/Coordinator.
FR Citation: 47 FR 36419.
Date of Final Action: August 20, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–110.

Title: Tax Returns for the Payment of Alcohol and Tobacco Products Excise Tax

Agency Contact: John Linthicum, ATF Specialist.
FR Citation: 47 FR 38521.
Date of Final Action: September 1, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–111.

Title: Livermore Valley, CA—Viticultural Area

Agency Contact: Robert White, ATF Specialist.
FR Citation: 47 FR 38519.
Date of Final Action: September 1, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–112.

Title: Finger Lake, NY—Viticultural Area

Agency Contact: Norman Blake, ATF Specialist/Coordinator.
FR Citation: 47 FR 38516.
Date of Final Action: September 1, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–113.

Title: Grape Brandy

Agency Contact: James Hunt, ATF Specialist/Coordinator.
FR Citation: 47 FR 38553.
Date of Final Action: September 1, 1982.
Type of Final Action: Notice of Withdrawal; Notice No. 421.

TABLE OF ABBREVIATIONS

Abbreviation	Meaning
ANPRM	Advance notice of proposed rulemaking.
ATF	Bureau of Alcohol, Tobacco and Firearms.
CFR	Code of Federal Regulations.
DSP	Distilled Spirits Plants.
E.O.	Executive Order.
FR	Federal Register.
FAA Act	Federal Alcohol Administration Act.
New	New regulation is proposed.
NPRM	Notice of proposed rulemaking.
OFR	Office of the Federal Register.
OMB	Office of Management and Budget.
Pub. L.	Public Law.
Res.	Rescission of an existing regulation.
Rev.	Revision or amendment of an existing regulation.
T.D.	Treasury decision.
T.D. with N.	[Temporary] Treasury decision with notice.
T.D. w/o N.	Treasury decision without notice.
Treasury	Department of the Treasury.

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BILLING CODE 4810–31–M

Comptroller of the Currency

12 CFR Ch. 1

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual Agenda of Regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this semiannual agenda of its rules and regulations currently under review and scheduled for review. Also included is a list of regulatory actions taken since the publication of the Office's previous semiannual agenda on April 29, 1982 (47 FR 18476). It is expected that this semiannual agenda will enable the public to be more aware of, and allow it to more effectively participate in, the Office's regulatory activity.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda contact John Ference, Financial Analyst, Regulations Analysis Division, (202) 447–1177.

For additional information about a particular item on this semiannual agenda contact the individual identified as the contact person.

ADDRESS: The mailing address for all contact persons is: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: This agenda is organized as follows: Section

A concerns current and projected rulemakings; Section B concerns reviews of existing regulations; Section C concerns recently completed regulatory actions. "PRIORITY" regulations, which are those regulations designated for priority development or review by the Comptroller or designated for review by the Presidential Task Force on Regulatory Relief, are identified as such and are listed first in each applicable section of this semiannual agenda. The Office has determined that none of the rulemakings discussed in this semiannual agenda requires a regulatory flexibility analysis; all entries either have been determined not to have a "significant impact on a substantial number of small entities," are interpretive rulings, or were the subject of a notice of proposed rulemaking prior to December 31, 1980. Such items are not subject to the provisions of the Act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. Executive Order 12291 defines a "major" rule as one likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: September 13, 1982.

C. T. Conover,

Comptroller of the Currency.

Section A: Current and Projected Rulemakings

RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Agency Contact Person: Patrick M. Frawley, Deputy Director, Bank Organization and Structure Division, Telephone (202) 447–1184.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 5.

Legal Authority: 12 U.S.C. 1 *et seq.*

Abstract: THIS IS A "PRIORITY" REGULATION.

The Office is currently engaged in a comprehensive review of its rules, policies, and procedures governing corporate activities. Several revisions of the requirements of Part 5 have already been issued. However, several other amendments and policy revisions are being considered. These include the Office's policies and procedures concerning:

—Mergers.

—Trust bank charters.

—Rights of shareholders to OCC appraisal of their bank stock.

—Applications for changes in bank capital.

—Operating subsidiaries.

—Bank employee benefit plans.

On July 9, 1982 (47 FR 29823), the Office issued a final rule that included its policy statements and rules concerning applications to establish domestic branches, seasonal agencies, and customer-bank communication terminals (CBCT's), as well as applications to change the location of head offices, domestic branches, and CBCT's.

Significant streamlining was achieved in all of these areas. Consistent with the policy already enunciated in other revisions, these changes reflect a reduced Office concern with economic and competitive information and an increased willingness to let the applicants judge the marketplace and business opportunities.

The Office has begun developing a revision to the application and decision process for title-change requests by national banks. After conducting a study of this subject, the Office will propose to define the application and decision process by formal regulation rather than policy statement, as is currently done. This change is intended to minimize regulatory interference with bank management's judgment in choosing a title and to clarify the standards which the Office uses in evaluating corporate title change applications.

Timetable: NPRM Docket No. 81–13 (46 FR 38925) concerning CBCT's, Head Offices and Branches published July 30, 1981. NPRM Docket No. 81–15 (46 FR 42228) concerning National Trust Company Applications published August 19, 1981. Correction notices published December 4, 1981 (46 FR 59232) and January 5, 1982 (47 FR 132). Final rule Docket No. 82–13 (47 FR 29823) concerning CBCT's, head offices, and branches published July 9, 1982.

DEFINITION OF CAPITAL

Agency Contact Person: Robert B. Norris, National Bank Examiner, Telephone (202) 447–1165.

Effects on Small Businesses and Other Entities: See "Summary" portion of this Semiannual Agenda.

CFR Citation: 12 CFR 7.1100.

Legal Authority: 12 U.S.C. 84.

Abstract: The amount of capital held by a bank affects the maximum it may lend to a single entity or group of related entities, the amount of investment securities of a single issuer it may hold, other investment limits, borrowings, and branching capabilities. The Office is reviewing its interpretive ruling defining the components of capital to make it more accurately reflect current banking practices. A notice of proposed rulemaking was issued on July 24, 1980 (45 FR 49276), on which almost 800 comment letters were received. After lengthy analysis, the Office issued a revised notice of proposed rulemaking on August 10, 1981 (46 FR 40520), that would redefine capital to include 100 percent of the reserve for loan losses. Mandatory convertible instruments would be included for the first time, and an amortization schedule would be applied to determine when limited life preferred stock and subordinated notes and debentures are not to be included. In addition, a policy statement setting out an analytical framework by which the Office would evaluate a bank's capital for purposes of capital adequacy was included. Comments received have been reviewed and drafting of a final rule is underway.

Timetable: NPRM Docket No. 80–6 (45 FR 49276) published July 24, 1980. NPRM Docket No. 81–14 (46 FR 40520) published August 10, 1981. Final rule expected to be published in early 1983.

INDEMNIFICATION OF BANK DIRECTORS AND PERSONNEL

Agency Contact Person: Andrew Levinson, Senior Attorney, Securities and Corporate Practices Division, Telephone (202) 447–1954.

Effects on Small Businesses and Other Entities: See "Summary" portion of this Semiannual Agenda.

CFR Citation: 12 CFR 7.5217.

Legal Authority: 12 U.S.C. 24.

Abstract: The Office is reviewing this interpreative ruling which sets forth the conditions under which a national bank may indemnify bank directors and personnel.

Alternative approaches are being considered, together with revisions of other rules affecting the corporate governance of national banks with a view toward developing uniform federal standards.

Timetable: ANPRM (45 FR 8025) published April 7, 1980. NPRM expected to be published in late 1983.

DATA PROCESSING SERVICES

Agency Contact Person: Alan Priest, Attorney, Legal Advisory Services Division, Telephone (202) 447–1880.

Effects on Small Businesses and Other Entities: See "Summary" portion of this Semiannual Agenda.

CFR Citation: 12 CFR 7.3500.

Legal Authority: 12 U.S.C. 24(7).

Abstract: This interpretive ruling concerns national bank data processing activity. Revision is currently under consideration in light of recent major technological advances.

Timetable: ANPRM Docket No. 80–1 (45 40613) published June 16, 1980. NPRM expected to be published in late 1982.

FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Agency Contact Person: Richard Galin, Attorney, Securities and Corporate Practices Division, Telephone (202) 447–1954.

Effects on Small Businesses and Other Entities: See "Summary" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 9.

Legal Authority: 12 U.S.C. 1 *et seq.*

Abstract: Comments in response to a prior rulemaking included recommendations that additional amendments should be made to 12 CFR Part 9. The Office believes that the issues raised by the commenters can best be addressed through a comprehensive review of its regulations concerning national bank fiduciary powers and collective investment funds. The Office requested comments from the public as to the desirability and feasibility of a comprehensive review of its trust regulations, including specific matters which should be addressed.

Timetable: Prior rulemaking—Final rule Docket No. 80–16 (46 FR 71571) published October 29, 1980. ANPRM Docket No. 82–12 (47 FR 27833) published June 25, 1982. NPRM expected to be published in early 1983.

REGISTRATION OF NATIONAL BANK TRANSFER AGENTS

Agency Contact Person: Tyler Tullos, National Trust Examinations Officer, Trust Examinations Division, Telephone (202) 447–1731.

Effects on Small Businesses and Other Entities: See "Summary" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 9.

Legal Authority: Securities Exchange Act of 1934 (15 U.S.C. 78).

Abstract: The Office, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Securities and Exchange Commission agreed to adopt a uniform format for transfer agent reporting. Through rulemaking, the Office intends to adopt a simplified and standardized Form TA–1 (registration or amendment to registration) to standardize the reporting format, and proposes extension of the time, from 21 days to 60 days, for filing amendments to registration. The standardizing and liberalizing changes proposed will reduce the recordkeeping and reporting burdens on registered transfer agents.

Timetable: NPRM Docket No. 82–8 (47 FR 23473) published May 28, 1982. Final rule expected to be published in late 1982.

SECURITIES EXCHANGE ACT DISCLOSURE RULES

Agency Contact Person: Eric Thompson, Assistant Director, Securities and Corporate Practices Division, Telephone (202) 447–1954.

Effects on Small Businesses and Other Entities: See "Summary" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 11.

Legal Authority: 15 U.S.C. 78

Abstract: On January 29, 1981, the Office published a notice of proposed rulemaking (46 FR 9618) suggesting a series of amendments to its securities disclosure regulation. The proposed amendments govern such matters as the form and content of financial statements of national banks, prescribed formats for financial statements and schedules, and requirements prohibiting the falsification of accounting records and misrepresentations by officers and directors of national banks.

The Office is working with the Securities and Exchange Commission (SEC) to minimize the regulatory burden of the Securities Exchange Act disclosure requirements. The Office and the SEC are also working together to redraft this regulation to make it more understandable. The Office is particularly interested in meeting these goals in order to facilitate the development of conforming regulations concerning Securities Exchange Act disclosure requirements.

Timetable: NPRM Docket No. 81–3 (46 FR 9618) published January 29, 1981. Another NPRM expected to be published in late 1982.

REQUIRED NOTIFICATION TO NOMINATE BANK DIRECTORS

Agency Contact Person: Jerome Edelstein, Attorney, Legal Advisory Services Division, Telephone (202) 4471–880.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 17.

Legal Authority: 12 U.S.C. 1 *et seq.*

Abstract: This regulation states that national banks may adopt bylaws or articles of association that require any shareholder proposing to nominate a director, other than a management nominee, to file certain information in advance with the Office and the bank. A proposal to rescind this regulation was published in the **Federal Register** on April 14, 1980 (45 FR 25078). Because of the comments received on that proposal, the Office is now considering retaining the regulation in revised form. Alternative approaches are being considered together with revisions of other rules affecting the corporate governance of national banks with a view toward developing uniform federal standards.

Timetable: NPRM (45 FR 25078) published April 14, 1980. Another NPRM expected to be published in late 1982.

ADJUSTABLE-RATE MORTGAGES (ARM's)

Agency Contact Person: Francis S. Rath, Attorney, Legal Advisory Services Division, Telephone (202) 447–1880, or David Nebhut, Financial Economist, Banking Research and Economic Analysis Division, Telephone (202) 447–1825.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 29.

Legal Authority: 12 U.S.C. 1 *et seq.*, 93a, 371(g).

Abstract: This rulemaking proposes revisions to 12 CFR Part 29, published March 27, 1981 (46 FR 18932) and amended April 1, 1982 (47 FR 13775). The movement from standard fixed-rate mortgages to a variety of alternative mortgage instruments including ARM's occurred more rapidly than expected; mortgage lenders other than national banks have received increased flexibility in mortgage products offered; and a secondary market in ARM's has developed. These factors require that the Office consider further revision to 12 CFR Part 29. The proposed revisions will benefit national banks by increasing their ability to design ARM instruments that meet the diverse needs of their customers.

Timetable: NPRM Docket No. 82–9 (47 FR 23944) published June 2, 1982. Final rule expected to be published in late 1982.

REAL ESTATE LOANS: DUE-ON-SALE CLAUSES

Agency Contact Person: Jonathan Fiechter, Director, Banking Research and Economic Analysis Division, Telephone (202) 447–1914, Andrew Levinson, Senior Attorney, Securities and Corporate Practices Division, Telephone (202) 447–1954, or Francis S.

Rath, Attorney, Legal Advisory Services Division, Telephone (202) 447–1880.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 30.

Legal Authority: 12 U.S.C. 1 *et seq.*, 93a, 371(g).

Abstract: On September 23, 1981, the Office issued notice of proposed rulemaking Docket No. 81–18 (46 FR 46964) which would validate the inclusion of due-on-sale clauses in real estate loans made by national banks, and make such clauses fully enforceable.

Approximately 20 states have laws limiting the enforceability of due-on-sale clauses. These laws, in the form of judicial decisions or statutes, generally provide that enforcement of the clauses will be allowed only where the lender can demonstrate that its security is impaired by the transfer of the property. The proposed regulation is intended to make fixed-rate mortgage loans more viable financing vehicles for national banks by according them the opportunity to invest, at market rates of interest, funds they reasonably expected would be available, given the average turnover rate for real property. The comment period ending November 23, 1981. Over 1,100 comments concerning the notice of proposed rulemaking were received. Those comments are being considered in the drafting of the final rule.

Timetable: NPRM Docket No. 81–18 (46 FR 46964) published September 23, 1981. Final rule expected to be published in late 1982.

ACCRUAL ACCOUNTING

Agency Contact Person: Rhoger Pugh, National Bank Examiner, Commercial Examinations Division, Telephone (202) 447–1164.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 31 (proposed).

Legal Authority: 12 U.S.C. 1 *et seq.*, 93a.

Abstract: The Office is developing a new regulation to require the adoption of accrual accounting by all national banks, as recommended by the Federal Financial Institutions Examination Council. The proposed regulation would make uniform the method by which all national banks maintain their financial records. Currently, all banks with assets in excess of $25 million and many banks with assets of less than $25 million routinely maintain internal accounts on the accrual basis. The proposed regulation is intended to assist bank management, in those banks that now use the cash basis, in making more informed operating and policy decisions, and to assure that the financial data national banks provide to federal regulators and make available to bank shareholders, customers, and the general public are timely, consistent, and fairly presented. The Office is very concerned about the cost of conversion to accrual accounting and the annual cost of maintaining the system. Cost factors will be carefully considered in the development of a final rule.

Timetable: NPRM Docket No. 82–4 (47 FR 17069) published April 21, 1982. Final rule expected to be published in late 1982.

Section B—Reviews of Existing Regulations

CHARITABLE FOUNDATIONS AND CONTRIBUTIONS

Agency Contact Person: Coreen Arnold, Financial Analyst, Regulations Analysis Division, Telephone (202) 447–1177.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR 7.7445 and 7.749.

Legal Authority: 12 U.S.C. 24(8).

Abstract: These interpretive rulings permit national banks to establish and contribute to charitable foundations as well as limit the amount which a national bank may contribute to charity. Both rulings are being reviewed to determine whether any modifications are necessary. Subjects under review include defining the term charitable, defining contributions to include grants of the right to receive income from assets (commonly securities) owned by the bank, changing the contribution limitation to be consistent with higher tax limitations in the Economic Recovery Tax Act of 1981, and aggregating contributions to charitable trusts and other charities.

Timetable: NPRM expected to be published in early 1983.

REPORTING OF BANK-RELATED CRIMES AND MYSTERIOUS DISAPPEARANCES OF FUNDS

Agency Contact Person: Peggy Shriner, National Bank Examiner, Commercial Examinations Division, Telephone (202) 447–1165.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR 7.5225.

Legal Authority: 12 U.S.C. 1 et seq., 93a, 1818, 1881 *et seq.*

Abstract: This ruling governs the reporting of crimes involving bank personnel or bank funds. The Office is considering changing the ruling into a regulation and making revisions to decrease the reporting requirements of banks. Topics under review include the number of offices with which reports must be filed, the $1,000 threshold for reporting mysterious disappearances of funds, and the range of crimes intended to be covered by the reporting requirements.

Timetable: NPRM is expected to be published in late 1982.

MANAGEMENT INTERLOCKS

Agency Contact Person: Jerome Edelstein, Attorney, Legal Advisory Services Division, Telephone (202) 447–1880.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 26.

Legal Authority: 12 U.S.C. 3201 *et seq.*

Abstract: The Office is developing amendments to this regulation to clarify, simplify, and relax current restrictions on management interlocks. The changes are intended to limit the extent to which the prohibitions apply to depository holding companies and certain management officials, and to reduce the need for institutions to seek exceptions under the regulations. The proposed amendments are being coordinated with substantially similar proposals by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration. The changes are also intended to implement recent amendments to the Depository Institutions Management Interlocks Act.

Timetable: NPRM pertaining to reinstatement of previously grandfathered officials expected to be published in late 1982. NPRM addressing other changes expected to be published in late 1982. Final rule implementing statutory revisions expected to be published in late 1982.

FAIR HOUSING HOME LOAN DATA SYSTEM

Agency Contact Person: Patrick J. Marr, Senior Fair Lending Specialist, Consumer Examinations Division, Telephone (202) 447–1600.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 27.

Legal Authority: 15 U.S.C. 1 *et seq.*, 481, 1818; 15 U.S.C. 1691 *et seq.*; 42 U.S.C. 3601 *et seq.*

Abstract: This regulation requires national banks to record and retain information on the age, race, sex, and marital status of applicants for loans for the purchase or construction of residential real property. Its purpose is to gather data necessary to detect possible credit discrimination. The Office is reviewing this regulation to determine whether it is achieving its intended result in view of the reporting and recordkeeping burdens it imposes. Further, the Congress has mandated that a study be conducted by the Federal Financial Institutions Examination Council (FFIEC) to evaluate the functioning of the systems and procedures being used by each of the five constituent agencies (Federal Reserve Board, Federal Deposit Insurance Commission, Federal Home Loan Bank Board, National Credit Union Administration, and the Office) in their efforts to enforce the fair housing lending statutes, the Community Reinvestment Act, and the Home Mortgage Disclosure Act. That study has been completed and the FFIEC is expected to submit it to the Congress by September 30, 1982.

The Office's rulemaking actions concerning the Fair Housing Home Loan Data System will be predicated on the results of the Office review to determine the efficiency of this regulation and Congress's actions pursuant to the mandated FFIEC study.

Timetable: A decision regarding rulemaking action is expected to be made after Congressional review of the mandated study and Office review of the regulation. The latter review is scheduled for completion in March 1983.

Section C—Completed Actions

RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES: ESTABLISHMENT OF A DOMESTIC BRANCH, SEASONAL AGENCY, CBCT (CUSTOMER-BANK COMMUNICATION TERMINAL) BRANCHES, AND CHANGE IN LOCATION OF A HEAD OFFICE, DOMESTIC BRANCH, OR CBCT

Agency Contact Person: James E. Brennan, Manager, Policy and Procedures, Bank Organization and Structure Division, Telephone (202) 447–1184.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of the Semiannual Agenda.

CFR Citation: 12 CFR Part 5.

Legal Authority: 12 U.S.C. 1 *et seq.*

Abstract: THIS IS A PRIORITY REGULATION.

As discussed in SECTION A of this Semiannual Agenda, the Office, on July 9, 1982, issued final rule Docket No. 82–13 (47 FR 29823), that included its policy statements and rules concerning applications to establish domestic branches, seasonal agencies, and customer-bank communication terminals (CBCT's), as well as applications to change the location of head offices, domestic branches, and CBCT's. Significant streamlining was achieved in all of these areas. Consistent with the policies already enunciated in other revisions, these policies reflect a reduced Office concern with economic and competitive information and an increased willingness to let the applicants judge the marketplace and business opportunities.

Timetable: NPRM Docket No. 81–13 (46 FR 38925) published July 30, 1981. Final rule Docket No. 82–13 (47 FR 29823) published July 9, 1982.

DISPOSITION OF CREDIT LIFE INSURANCE INCOME

Agency Contact Person: Ford Barrett, Assistant Chief Counsel, Telephone (202) 447–1896.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 2.

Legal Authority: 12 U.S.C. 1 *et seq.*, 24(7), 60, 73, 92, 93a and 1818(n).

Abstract: On July 20, 1982, the Office issued a final rule that amended 12 CFR Part 2. The final rule clarifies the permissibility of bonuses and incentives to bank employees for credit life insurance sales and describes the circumstances under which credit life insurance income may be allocated to bank holding company affiliates other than the bank. The final rule also deletes unnecessary provisions.

Timetable: NPRM Docket No. 82–1 (47 FR 3555) published January 26, 1982. Final Docket No. 82–14 (47 FR 31376) published July 20, 1982.

FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Agency Contact Person: Dean E. Miller, Deputy Comptroller for Specialized Examinations, Telephone (202) 447–1731.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 9.

Legal Authority: 12 U.S.C. 92a.

Abstract: On June 25, 1982, the Office issued final rule Docket No. 82–10 (47 FR 27828) that included amendments which: (i) delete the definition of the term "equity security" from Part 9; (ii) require a national bank which exercises investment discretion with respect to customer accounts to adopt and follow written policies and procedures intended to ensure that its brokerage placement practices, including the use of brokerage commissions to purchase research and other services, comply with applicable law; (iii) specify a three-year retention period for required trust department records, unless applicable law prescribes a different period; (iv) require a national bank to adopt and follow written policies and procedures generally intended to ensure that the maximum return available for "trust-quality," short-term investments be obtained on trust funds awaiting investment or distribution; and (v) describe the conditions under which trust powers can be revoked. In addition, the Office adopted four proposals that affect collective investment funds. These amendments: (i) require valuation of fund assets at either market value or at fair value determined in good faith by funds trustees in certain circumstances; (ii) permit a one-year prior notice requirement for withdrawals from an employee benefit collective investment fund, if such fund invests in real estate or other illiquid assets; (iii) permit a fund's liquidity level to be determined on the basis of anticipated needs of the fund, rather than a specified percentage of fund assets; and (iv) permit the valuation on a cost basis of short-term investment funds, if certain conditions are satisfied.

Timetable: Final rule Docket No. 82–10 (47 FR 27828) issued June 25, 1982. In a related rulemaking (ANPRM Docket No. 82–12 [47 FR 27833] discussed in SECTION A of this semiannual agenda), the Office announced that it is giving consideration to further amendments to 12 CFR Part 9 and requested the views of the public regarding such possible action.

[FR Doc. 82-28106 Filed 10-27-82; 8:45 am]
BILLING CODE 4810-33-M

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: Customs Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Pub. L. 96–354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulation," Customs has prepared and is publishing for public information a list

of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified as the "Agency Contact." All agency contact persons are located at U.S. Customs Service Headquarters, the address of which is noted below. Comments or inquiries of a general nature about the agenda itself should be directed to Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings, Headquarters, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8237).

SUPPLEMENTARY INFORMATION:

Background

Public Law 96–354, the "Regulatory Flexibility Act" (RFA), and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulations," require semiannual publication, in April and October of each year, of an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are, or in the case of the RFA after July 1, 1981, will be under agency review. Customs combined agenda includes a brief abstract of each regulatory project ("project") being considered, an indication of whether the project will have an RFA impact, the section(s) of the Code of Federal Regulations affected, the legal authority for the action being taken, the name, title, and telephone number of an agency contact and, where applicable, an approximate timetable of completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, subsequent agendas will show the status of projects referred to in the previously published agenda.

Executive Order 12291 revoked E.O. 12044, "Improving Government Regulations." However, to maintain continuity with projects previously listed on Customs semiannual agenda of "significant" regulations published on August 1, 1980, pursuant to E.O. 12044 (45 FR 51496), those projects are listed in this combined agenda.

The following is the fourth semiannual agenda to be published by Customs under the RFA and E.O. 12291. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). If a project is initiated under the foregoing general authority, it is so noted after the heading "Legal Authority" in the body of the agenda item for that project. When appropriate, specific statutory authority is indicated as the legal authority for the project.

In accordance with Department of the Treasury policy, no action, other than preliminary studies may be taken on any project for which a notice of proposed rulemaking has not been published without Secretarial approval of a "work plan", or waiver of the plan. For a project which is in an early stage of preparation, no work plan is available to the public. However, projects which either have had work plans approved or are the subject of documents published in the **Federal Register** (FR) as an advance notice of proposed rulemaking (ANPRM), a notice of proposed rulemaking (NPRM) or a final rule-Treasury Decision (T.D.), are identified by work plan number or Federal Register citation. Approved work plans are available to the public under the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552), and Part 103, Customs Regulations (19 CFR Part 103). Requests should be addressed to the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

By direction of the Secretary of the Treasury.

Dated: September 14, 1982.

Alfred R. DeAngelus,

Acting Commissioner of Customs.

Current and Projected Rulemakings

Title: Air Commerce

Agency Contact: John Mathis, Attorney (202–566–5706).

Effects on Small Businesses and Other Entities: Regulatory Flexibility Act (RFA) not applicable.

CFR Citation: 19 CFR Parts 6 and 10.

Legal Authority: General.

Abstract: Establish new rules for (1) duty-free trade in civil aircraft, and (2) dutiability of foreign repairs to, and foreign purchases of parts and materials for, U.S. registered civil aircraft. Implement Title VI, Civil Aircraft Agreement, of Pub. L. 96–39, "Trade Agreements Act of 1979." Cost/benefit analysis contained in *Trade Agreements Act of 1979 Statements of Administrative Action,* House Document No. 96–153, Part II, pp. 507–510.

Timetable: Work Plan 79–30 approved; NPRM published January 8, 1980 (45 FR 1633); draft T.D. in Customs review; expected publication Winter 1982.

Title: Customs Bonded Warehouses

Agency Contact: Joseph Palmer, Auditor (202–566–2812).

Effects on Small Businesses and Other Entities: An initial regulatory flexibility analysis was attached to the NPRM as Appendix A. A final regulatory flexibility analysis in attached to the T.D. now in review as Appendix E.

CFR Citation: 19 CFR Parts 10, 18, 19, 24, 113, 125, 132, 142 and 144.

Legal Authority: 19 U.S.C. 1311, 1312, 1555, 1556, 1557, 1623, 1646a.

Abstract: The project would revise extensively the Customs Regulations relating to the control of merchandise in Customs bonded warehouses to modernize procedures, reduce costs to the public, and reduce Customs staffing at bonded warehouses.

Timetable: Work Plan 81–9 approved; NPRM published on March 4, 1982 (47 FR 9225); T.D. in review at Treasury Department; expected publication Fall 1982.

Title: Entry of American Goods Exported and Returned

Agency Contact: Herbert Geller, Operations Officer (202–566–5307).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR Parts 10 and 143.

Legal Authority: 19 U.S.C. 1481, 1484, 1498.

Abstract: Establish informal entry procedures for certain American goods returned, not advanced in value or improved in condition while abroad. Implement provisions of section 202 of Pub. L. 96–609 that require amendment. Would benefit importers who would be able to use informal entry procedures which are less costly, complex, and time consuming than formal entry procedures.

Timetable: Work Plan 81–14 approved; NPRM published March 18, 1982 (47 FR 11706); T.D. under development pending paperwork reduction impact study; expected publication Winter 1982.

Title: Drawback

Agency Contact: George Steuart, Chief, Drawback and Bonds Branch (202–566–5856).

Effects on Small Businesses and Other Entities: Determination as to RFA impact will be made after close of comment period and analysis of comments received. Any required RFA analysis will be published with T.D., if it is decided to proceed with project.

CFR Citation: 19 CFR Part 22.

Legal Authority: General.

Abstract: Revision of drawback regulations to modernize procedures relating to claims for drawback made by exporters. Project undertaken under mandate for review of currently effective rules set forth in E.O. 12291. Later enactment of section 201 of Pub. L. 96–609 required substantive amendments.

Timetable: NPRM published August 26, 1982 (47 FR 37563); comment period closes November 24, 1982.

Title: Customhouse brokers.

Agency Contact: Scott Shreve, Chief, Entry Examination Liquidation Branch (202–566–8121).

Effects on Small Businesses and Other Entities: Determination of RFA impact to be made concurrent with publication of NPRM.

CFR Citation: 19 CFR Part 111.

Legal Authority: 19 U.S.C. 1641.

Abstract: Amend Customs. Regulations to clarify responsibilities of customhouse brokers and to ensure uniform compliance with applicable regulations. Customs has under consideration as part of project issue of extent to which brokers should be regulated.

Timetable: Work Plan 79–5 approved; NPRM pending Commissioner's approval of revised Brokers Task Force Report; expected publication Winter 1982.

Title: Customs Bonds

Agency Contact: Joseph Goody, Operations Officer (202–566–5994).

Effects on Small Businesses and Other Entities: Determination on RFA impact to be made after receipt of comments received in response to expected NPRM.

CFR Citation: 19 CFR Part 113.

Legal Authority: 19 U.S.C. 1623.

Abstract: Consolidation of Customs bonds and related forms to simplify bond structure and language preparatory to automated program. Project would simplify transactions between Customs and importing public by clarifying bond language and reducing number of bonds.

Timetable: ANPRM published May 26, 1981 (46 FR 28172); NPRM pending further study; expected publication Winter 1982.

Title: Contiguous Countries; Railroad Equipment

Agency Contact: John Mathis, Attorney (202–566–5706).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR 123.12, 123.14.

Legal Authority: General.

Abstract: Admission of empty foreign railroad equipment without entry and payment of duty in certain instances. Clarify permitted use of foreign railroad equipment in U.S. The project would benefit importers by removing a hindrance to strictly international traffic, while retaining the prohibition against diversions of foreign locomotives and railroad equipment to unpermitted point-to-point local traffic.

Timetable: Work Plan 81–7 approved; NPRM published August 27, 1982 (47 FR 37924); comment period closes October 26, 1982.

Title: Copyright

Agency Contact: Samuel Orandle, Attorney (202–566–5765).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR Part 133.

Legal Authority: 17 U.S.C. 1603.

Abstract: Amendments to Customs Regulations relating to recordation of copyrights with Customs, to implement provisions of Pub. L. 94–533, "Copyright Act of 1976." The project would reduce administrative costs to Customs and copyright applicants.

Timetable: Work Plan 82–17 approved; NPRM under development; expected publication Winter 1982.

Title: Entry of Merchandise; Special Permits for Immediate Delivery

Agency Contact: William Wagner, Operations Officer (202–566–5307).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR Parts 141 and 142.

Legal Authority: 19 U.S.C. 1484.

Abstract: Revise Consumption Entry (Customs Form 7501) to accommodate new entry procedures set forth in Pub. L. 95–410, "Customs Procedural Reform and Simplification Act of 1978." The project would improve the procedures used by Customs for the entry of imported merchandise and the collection of statistics, and reduce the paperwork burden on the importing community by eliminating forms and assuring that only necessary information will be collected.

Timetable: Work Plan 80–18 approved; NPRM, revised CF 7501 and instructions, in review at Treasury Department; expected publication Fall 1982.

Title: Entry of Merchandise; Bonds

Agency Contact: Herbert Geller, Operations Officer (202–566–5307).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR Part 142.

Legal Authority: 19 U.S.C. 1623.

Abstract: Acceptance of formal entries with unsecured bonds for certain importations. The project would decrease costs to an importer of merchandise valued less than $1000.

Timetable: Work Plan 81–15 approved; NPRM under development; expected publication Winter 1982.

Title: Foreign-Trade Zones

Agency Contact: Russell Berger, Attorney (202–566–5856).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR 146.25.

Legal Authority: 19 U.S.C. 1557(a).

Abstract: Remove zone-restricted status from merchandise admitted to a foreign-trade zone from Customs bonded warehouse, to permit use of that merchandise in zone manufacturing operations. The project would remove a restriction on commerce and allow greater utilization of zones by increasing manufacturing therein.

Timetable: Work Plan 81–27 approved; NPRM published May 13, 1982 (47 FR 20627); comments being analyzed.

Title: Trade Fairs

Agency Contact: William Rosoff, Attorney (202–566–5856).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR 147.45.

Legal Authority: 19 U.S.C. 81h.

Abstract: Removal of trade fair merchandise from foreign-trade zones for consumption only with permission of Foreign-Trade Zones Board. The project is necessary to comply with provisions of Pub. L. 91–692, and avoid possible misinterpretation of existing regulation.

Timetable: Work Plan 82–1 approved; NPRM under development; expected publication Winter 1982.

Title: Personal Declaration and Exemption

Agency Contact: Kevin Cummings, Operations Officer (202–566–5706).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR 148.73.

Legal Authority: General.

Abstract: Amend Customs Regulations to require that all persons entering the U.S. on military carriers execute a written baggage declaration, thus eliminating inconsistency with DOD regulations. The project would

discourage the introduction into U.S. of contraband and encourage payment of duty on imported merchandise.

Timetable: Work Plan 81–16 approved; NPRM pending paperwork reduction impact study; expected publication Winter 1982.

Completed Actions

Title, Agency Contact, and Federal Register Citation

Air Commerce: John Mathis (202–566–5706), T.D. 82–92 published May 14, 1982 (47 FR 20750).

Endangered Species—Antiques: Harrison Feese (202–566–8651), T.D. 82–148 published August 23, 1982 (47 FR 36630).

Carnets (E.C.S./A.T.A.): Jerrold Worley (202–566–8551), T.D. 82–116 published June 24, 1982 (47 FR 27260)

Transportation In Bond—Short Shipments: William Marchi (202–566–2957), T.D. 82–158 published August 27, 1982 (47 FR 37880).

Entry of Merchandise: James Bartley (202–566–5765), T.D. 82–134 published July 27, 1982 (47 FR 32416).

Registration of Merchandise: Joseph O'Gorman (202–566–8157), T.D. 82–102 published June 3, 1982 (47 FR 24117).

[FR Doc. 82–28109 Filed 10–27–82; 8:45 am]

BILLING CODE 4820–02–M

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service (IRS).

ACTION: Semiannual agenda of regulations, significant and nonsignificant, under development or review.

SUMMARY: This semiannual agenda lists the regulations determined as of August 1, 1982, that the Internal Revenue Service will be developing from August 1, 1982, through March 31, 1983. The purpose of this semiannual agenda is to give the public adequate notice of Internal Revenue Service regulatory activities.

FOR FURTHER INFORMATION CONTACT: Robert A. Bley, Executive Assistant to the Director, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR. 202–566–3331, not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Treasury Directive 50–04.F, "Criteria and Procedures for the Preparation, Review, and Approval of Regulations," and section 602 of the Regulatory Flexibility Act and the Treasury Directive implementing that Act all require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** of Friday, April 15, 1983.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service as of July 31, 1982, for the development of regulations to appear in the Code of Federal Regulations. This agenda is divided into four parts. Part I lists existing regulations under development by the Legislation and Regulations Division, Office of the Chief Counsel. Part II lists existing regulations under development by the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel. Part III lists separately projects also appearing in Part I or Part II under which existing regulations are to be reviewed pursuant to paragraph 12 of the Treasury Directive 50–04.F. Part IV lists the various regulation projects closed since February 28, 1982, which was the closing date with respect to which the last semiannual agenda of the Internal Revenue Service was prepared. All other projects appearing on the last semiannual agenda are reported in Parts I, II, or III, as the case may be, of this semiannual agenda. A table defining abbreviations used throughout this agenda and a second table listing attorneys (and their telephone numbers) within the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division follow Part IV. Regulations are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) in order to provide necessary guidance to Internal Revenue Service personnel who administer the law and to the public who must comply with the law. Additionally, in some instances the specific sections of the Internal Revenue Code of 1954 and the sections of the act of Congress given in this agenda with respect to projects may specifically require or authorize regulations. Each of the regulation projects within each part of this agenda is listed in order by reference to the first section of the Internal Revenue Code of 1954 to which the project is in important measure addressed. The following information is disclosed in columnar form with respect to each regulation project.

1. 1954 Code Section, File Number, and RFA

The first column lists sections of the Internal Revenue Code of 1954 (Code) with which the subject project is directly concerned and the file number of the Internal Revenue Service under which the project is maintained. If the project is subject to the Regulatory Flexibility Act, the note "RFA" appears in this column.

2. Subject, Drafter, and Reviewer

The second column names the part of Title 26 of the Code of Federal Regulations to be amended, describes briefly the subject of the regulation, names each section of each act of Congress (if any) which gives rise to the project, and names the drafting and reviewing attorneys (in that order) within the Legislation and Regulations Division or Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, who are responsible for drafting the regulation. As appropriate, the reviewing attorney within the Office of Tax Legislative Counsel or Office of International Tax Counsel, Department of the Treasury, is also named. Where a section of an act of Congress is specified in connection with a project, that project is necessary to provide regulations under the amendments to the Code made by that section of the act. In all other cases, regulations are needed under the Code sections named to provide corrective or clarifying changes in existing regulations relating to the subject matter.

3. Office in which Pending and Status

The third column names the office or offices within the Internal Revenue Service and/or the Department of the Treasury in which the project is presently under consideration and describes the status of the project.

4. Regulatory Analyses

If the regulation project is subject to the Regulatory Flexibility Act and a notice of proposed rulemaking has been published with respect to the project, a target date for publication of final regulations appears in this column. If a regulatory analysis or a regulatory flexibility analysis is required for a project, a note to this effect and whether the regulatory analysis or regulatory flexibility analysis has been prepared appears in this column.

By direction of the Secretary of the Treasury

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§§ 3, 4, 144—LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (Rev. Act 1971, §§ 206, 301 (b), (c); TRA 1976, § 501) (Haglund/Saverude—TLC-Lerman/Levinson).	LR—In LR for prep of notice.
§§ 11, 21—LR-33-76	Inc. Tax—Part 1—Corporate tax rates & surtax exemptions (Rev. Adj. Act 1975, § 4; TRA 1976, § 901 (a), (c)(2)) (Saverude—TLC).	LR—In LR for prep of notice.
§ 44A—LR-214-81	Inc. Tax—Part 1—Increase in child care credit (ERTA 1981, § 124) (Kroening/Woo)	LR—In LR for prep of notice.
§ 44C (b)(2), (c) (2), (5)—LR-73-80	Inc. Tax—Part 1—Joint ownership of energy items & renewable energy source expenditures for purposes of the residential energy credit to conform to §§ 201(a) & 202 of the Crude Oil Windfall Profit Tax Act 1980 (Woo/Bromell).	LR—In LR for prep of notice.
§§ 44C, 6050D—LR-74-80	Inc. Tax—Part 1—Secretarial authority under residential energy credit (Crude Oil Windfall Profit Tax Act 1980, § 201(b)) (Woo/Bromell—TLC-Schuldinger).	Treasury—10/15/80 Notice Pub. 4/30/81 Hrg. held 1/26/82 T.D. to Treasury for formal approval.
§ 44D—LR-75-80	Inc. Tax—Part 1—To add provisions under Code sec. 44D (re. credit for producing fuel from a non-conventional source) to conform to sec. 231, Crude Oil Windfall Profit Tax Act of 1980.	TCL—11/20/81 Draft of notice to TLC & T:C; 12/14/81 Comments from T:C.
§ 44F—LR-6-82	Inc. Tax—Part 5c—Temp. Regs.—Credit for increasing research activities (ERTA 1981, § 221) (Bouma/Francis—TLC-Furer).	TLC—6/30/82 Draft of T.D. to TLC.
§ 44F—LR-236-81	Inc. Tax—Part 1—Credit for increasing research activities (ERTA 1981, § 221) (Bouma/Francis—TLC-Furer/Levinson).	LR—In LR for prep of notice.
§ 46—LR-169-79	Inc. Tax—Part 1—Investment credit for commuter highway vehicles (Energy Tax Act 1978, § 241(a)) (Weinstein/Duffy—TLC-Schuldinger).	TLC & CC:T—5/26/82 Final draft of notice to TLC & CC:T.
§§ 46, 47—LR-4-78	Inc. Tax—Part 1—Investment credit for cooperatives (TRA 1978, § 316) (Kissel/Blumkin—TLC-Pike).	LR—10/13/81—Notice ret'd. to LR for revision.
§§ 46, 47—LR-92-73	Inc. Tax—Part 1—Tax treatment of mass assets for investment credit purposes (Weinstein/Blumkin—TLC-Yecies).	Treasury—11/15/79 Notice to Treasury for formal approval.
§§ 46, 48—LR-239-81	Inc. Tax—Part 1—Changes in applicable percentage of cases or cost; provision of progress expenditure rules (ERTA 1981, §§ 211 (a)-(d) (e) (2)-(3), (h), 213, 214) (Stanley/Blumkin—TLC-Yecies/Levinson).	LR—In LR for prep of notice.
§§ 46, 48, 191—LR-238-81	Inc. Tax—Part 1—Increase in investment tax credit for qualified rehabilitation expenditures (ERTA 1981, § 212) (Schmalz/Woo—TLC-Jewett/Levinson).	TCL—3/30/82 Draft of notice to TLC & CC:C; 4/20/82 Comments from CC:C.
§§ 46, 47, 48—LR-73-75	Inc. Tax—Part 1—Change in investment credit (§§ 301, 302, 604, TRA 1975, Pub. Law 94-12) (Pellervo/Blumkin—TLC-Yecies).	LR—1/30/79 Notice Pub.; 6/27/79 Hrg. held; 1/19/82 Draft of T.D. ret'd. to LR for revision.
§ 46(a)—LR-150-80	Inc. Tax—Part 1—Changes made by § 222(a) and 223(b) of the Crude Oil Windfall Profit Tax Act of 1980 (Pearson/Whedbee—TLB-Schuldinger).	LR—In LR for prep of notice.
§§ 46 (c) (8), (9) 47 (d)—LR-240-81	Inc. Tax—Part 1—At risk limitations on investment credit (ERTA 1981, § 211 (f)) (Stanley/Blumkin).	LR—In LR for prep of notice.
§§ 46 (f), 167 (l)—LR-342-81	Inc. Tax—Part 5c—Temp. Regs.—Transitional rules for public utility property (ERTA 1981, § 209) (Rosenthal/Parcell).	LR—In LR for prep of T.D.
§ 46 (g)—LR-248-76	Inc. Tax—Part 1—Investment credit in the case of certain ships (TRA 1976, § 805) (Duffy/Blumkin—TLC-Yecies.	LR—In LR for prep of notice.
§ 47—LR-315-81	Inc. Tax—Part 1—Amendment of recapture rules (ERTA 1981, § 211 (g)) (Stanley/Blumkin)	LR—In LR for prep of notice.
§48 (l)—LR-127-82	Inc. Tax—Part 1—To clarify the definition of an alternate substance (Pearson/Blumkin)	LR—In LR for prep of notice.
§ 48—LR-88-79	Inc. Tax—Part 1—Single purpose agriculture structure (RA 1978, § 314) (Pellervo/Blumkin—TLC—Keyser).	CC:C, CC:I—1/23/81 Notice pub.; 6/25/81 Hrg. held; 6/3/82 Draft of T.D. to CC:C & CC:I.
§ 48—LR-191-78	Inc. Tax—Part 1—Investment credit for rehabilitated structures (RA 1978, § 315) (Schmalz/Woo—TLC—Jewett).	TLC & CC:C—10/28/80 Notice pub.; 3/31/81 Hrg. Held; 5/28/82 Rev. draft of T.D. to TLC & CC:C.
§ 48 (k)—LR-143-80	Inc. Tax—Part 1—Definition of films that are "topical or otherwise essentially transitory in nature" (Pearson-Blumkin—TLC-Yecies/Levinson).	LR—6/3/82 Notice pub.
§ 48 (j), (k)—LR-223-78	Inc. Tax—Part 1—Investment credit in case of property used by tax exempt organizations & governmental units (Weinstein/Blumkin—TLC-McCarty).	LR—In LR for prep of notice.
§ 48 (l)—LR-79-80	Inc. Tax—Part 1—Definition of energy property, to reflect addition by sec. 222 (h) of the Crude Oil Windfall Profit Tax Act of 1980 of qualified intercity buses as category of property for business energy credit (Weinstein/Blumkin—TLC-Schuldinger).	Treasury—6/10/82 Notice to Treasury for formal approval.
§ 48(c)—LR-80-80	Inc. Tax—Part 1—Definition of energy property qualifying for business energy credit (Crude Oil Windfall Profit Tax Act 1980 § 222 (a)) (Pearson/Whedbee).	LR—In LR for prep of notice.
§ 48(l)—LR-176-80	Inc. Tax—Part 1—Special rules added by sec. 223 (c) of Crude Oil Windfall Profit Tax Act 1980, relating to reduction of credit where property is financed by subsidized energy financing or industrial development bonds (Pearson/Blumkin—TLC-Schuldinger).	LR—1/26/82 Notice pub.; 6/3/82 Hrg. held.
§ 48(l)—LR-81-80	Inc. Tax—Part 1—Definition of energy property; Items qualifying under alternative energy property (Crude Oil Windfall Profit Tax Act 1980, § 222 (b), (g), and (d)) (Pearson/Whedbee—TLC-Schuldinger).	LR—In LR for prep of notice.
§ 48(l)(5)—LR-78-80	Inc. Tax—Part 1—Definition of energy property; Criteria to be used by the Secretary in adding items to the list of specially defined energy property (Crude Oil Windfall Profit Tax Act 1980, § 222 (d)) (Pearson/Blumkin—TLC-Schuldinger).	Treasury—1/7/81 Notice pub.; 4/30/81 Hrg. held; 1/26/82 T.D. to Treasury for formal approval.
§ 50A, 50B—LR-200-78	Inc. Tax—Part 1—Relating to WIN Credit (RA 1978, § 322) (Schmalz/Bromell—TLC-Levinson).	TLC & CC:IND—4/30/80 Notice pub.; 8/8/80 Draft of T.D. to TLC & Tech.
§ 51—LR-199-78	Inc. Tax—Part 1—Amount of jobs credit (Schmalz/Woo—TLC-Reinhold/Levinson)	LR—12/28/79 Notice pub.; 4/24/80 Hrg. held; 4/22/82 T.D. ret'd. to LR for revision.
§ 51—LR-218-81	Inc. Tax—Part 1—Adjustments to new jobs credit (ERTA 1981, § 261) (Schmalz/Woo—TLC-Reinhold/Levinson).	LR—3/3/82 Final notice to JRF for formal approval.
§§ 55, 3(b), 5(a), 57 (a), (b), 58(g)(2), 441(b), 443(d), 453(c), 511(d), 666 (b), (c), 871(b), 877(b), 904(h), 6915(c), 6363(b), 6654(f)—LR-210-78.	Inc. Tax—Part 1—Alternative minimum tax (RA 1978, §§ 401(b)(1), 421, 423; Technical Corrections Act 1979, §§ 104(a)(4), 107(a)(1)(A); P.L. 96-603, § 4) (Clark/Smith—TLC-Hevener/Levinson).	TLC—4/29/81 Draft of notice to TLC & T:I; 11/6/81 Comments from T:I
§§ 56, 57, 58—LR-151-76	Inc. Tax—Part 1—Minimum tax (TRA 1976, § 301; TR§SA 1977, § 308; RA 1978, § 421 (b), (c), 423, 701; Technical Corrections Act 1979, §§ 107(a)(1)(A), 104(a)(4) (E) & (F); ERTA 1981, § 205) (Coplan/Smith—TLC-Hevener).	TLC & ACC(T)—6/8/82 Rev. draft of notice to TLC & ACC(T).
§ 57—LR-209-78	Inc. Tax—Part 1—Minimum Tax (TRA 1976, § 301; TR§SA 1977, § 308; Energy Tax Act 1978, §§ 402, 403; RA 1978, § 422) (Coplan/Smith—TLC-Hevener).	LR—In LR for prep of notice.
§ 61—LR-194-77	Inc. Tax—Part 1—Nonqualified salary reduction agreements (Tolleris/Coulter—TLC-Hevener/Levinson).	CC:IND & TLC—2/3/78 Notice pub:; 5/4/78 Hrg. held; 6/11/79 News Release issued soliciting further comment; 11/27/79 Hrg. held; 3/11/82 Draft of T.D. to CC:IND & TLC.
§§ 61, 162, 174, 263, 471—LR-253-76	Inc. Tax—Part 1—Prepublication expenditures of publishers (Roth/Parcell—TLC-)	CC:I—6/11/82 Rev. draft of notice to CC:C & CC:I; 6/28/82 Comments from CC:C.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 66—LR-41-81	Inc. Tax—Part 1—Treatment of income of certain innocent spouses in community property States (Misc. Rev. Act of 1980, § 1) (Keesler/Parcell).	LR—In LR for prep of notice.
§ 72—LR-19-80	Inc. Tax—Part 1—Unisex annuity tables (Mix/Parcell)	LR—In LR for prep of notice.
§ 79—LR-42-78	Inc. Tax—Part 1—Group term life insurance—Evidence of insurability (Mix/Parcell—TLC-Pike/Levinson).	Treasury—7/8/82 Notice to Treasury for formal approval.
§ 83—LR-95-77	Inc. Tax—Part 1—Reporting requirements for nonqualified stock options (TRA 1969, § 321) (Bosco/Parcell—TLC-Hevener).	LR—9/20/77 Notice pub.; 3/20/78 Hrg. held; Withdrawal notice pending Treasury review.
§ 83—LR-16-80	Inc. Tax—Part 1—To make certain amendatory changes to rules relating to property transferred in connection with performance of services (ERTA, § 252) (Bosco/Parcell).	LR—In LR for prep of notice.
§ 103—LR-17-82	Inc. Tax—Part 1—Deep discount industrial development bonds (Kroupa/MacMaster—TLC-Woodward).	LR—6/9/82 Notice pub.
§ 103(b)—LR-192-81	Inc. Tax—Part 1—IDB's for vehicles used for mass commuting (ERTA 1981, § 811) (Thompson/Coulter—TLC-McCarty).	LR—12/31/81 Notice pub.
§ 103—LR-82-82	Inc. Tax—Part 1—To amend the regs. Under §§ 1.103-13 and 1.103-14 with respect to calculation fo "overissuance" and "cumulative cash flow deficit" (Flanagan/MacMaster—TLC-Pike).	Treasury—6/17/82 Notice to Treasury for formal approval.
§ 103(i)—LR-193-81	Inc. Tax—Part 1—Obligations of certain volunteer file departments (ERTA 1981, § 812) (Thompson/Coulter—TLC-Pike/Levinson).	LR—6/21/82 Notice pub.
§ 103—LR-99-82	Inc. Tax—Part 1—To amend the regs. relating to the treatment of replacement funds (Flanagan/Fischer).	LR—In LR for prep of notice.
§§ 103, 61, 162, 163, 165, 171, 249, 1232—LR-70-77.	Inc. Tax—Part 1—To provide for the tax consequences fo refunding industrial develpment bonds to the issuer, bondholder & industrial user (Thompson/Coulter—TLC-Woodward).	LR—12/6/77 Notice pub. 3/15/78 Hrg. held; 2/6/79 2d Notice pub.; Revised notice pending Treasury review.
§ 103(a)—LR-8-73	Inc. Tax—Part 1—To revise the definition of "on behalf of" (MacMaster/Coulter—TLC-Woodward).	LR—2/2/76 Notice pub.; 4/26/76 Hrg. held; T.D. pending Treasury review.
§ 103(b)(4)—LR-190-78	Inc. Tax—Part 1—Exemption for industrial development bonds for water facilities (RA 1978, §§ 332, 333) (Tolleris/Coulter—TLC-Reinhold).	LR—Notice pending Treasury review.
§ 103-8—LR-182-79	Inc. Tax—Part 1—To clarify the "substantially all" test (MacMaster/Coulter—TLC-Reinhold)	LR—Notice pending Treasury review.
§ 103-8—LR-51-79	Inc. Tax—Part 1—to clarify the "public use" and "functionally related" requirements (Wold/Coulter—TLC-Reinhold).	LR—Notice pending Treasury review.
§ 103-10—LR-245-79	Inc. Tax—Part 1—To provide "timing" requirements for exempt small issues (Kroupa/Coulter—TLC-Woodward).	LR—Notice pending Treasury review.
§ 103(b)(8)—LR-87-80	Inc. Tax—Part 1—Exemption for industrial development bonds for qualified hydroelectric generation facilities (Crude Oil Windfall Profit Tax Act 1980, § 242) (Tolleris/Coulter—TLC-Reinhold).	LR—In LR for prep of notice.
§ 103(b)(6)—LR-264-81	Inc. Tax—Part 1—To clarify the definition of the term "issue" (Flanagan/MacMaster)	LR—10/8/81 Notice pub; 11/12/81 Hrg. held; T.D. pending Treasury review.
§ 103(b)(4)(A)—LR-161-81	Inc. Tax—Part 1—Industrial development bonds for multi-family residential rental housing (Omnibus Reconciliation Act 1980, §§ 1103, 1104 (k)) (Flanagan/MacMaster—TLC-McCarty).	LR—5/26/82 Notice pub.; 7/27/82 Hrg. held.
§ 103(b)—LR-59-74	Inc. Tax—Part 1—To define the term "principal user of a facility" (Tolleris/Coulter—TLC-Furer).	Commander—2/11/82 Notice to Commander for formal approval.
§ 103(b)(6)(D)—LR-117-79	Inc. Tax—Part 1—Increase in limit on small issues of industrial development bonds (RA 1978, § 331) (Tolleris/Coulter—TLC-Woodward).	LR—Notice pending Treasury review.
§ 103(b)—LR-9-75	Inc. Tax—Part 1—To clarify the definition of property which is a pollution control facility (MacMaster/Coulter—TLC-.	LR—8/20/75 Notice pub.; 11/21/75 Hrg. held; T.D. Pending Treasury review.
§ 103-10(b)(2)—LR-50-80	Inc. Tax—Part 1—Manner of electing $10 million limitation on exempt small issues (Tolleris/Coulter—TLC-Woodward).	LR—6/22/82 Notice Pub.
§ 103(b)(6)—LR-227-80	Inc. Tax—Part 1—To define the term "facility" (Wold/Coulter)	LR—In LR for prep of notice.
§ 103(c)—LR-101-79	Inc. Tax—Part 1—To make changes to rules relating to arbitrage bonds (Flanagan/Coulter—TLC-Pike).	LR—In LR for prep of notice.
§ 103(b)(4)—LR-6-81	Inc. Tax—Part 1—Effective date of provisions relating to hotels adjacent to airports (Thompson/Coulter—TLC-Furer).	TLC—2/24/82 Notice pub.; 7/9/82 Draft of T.D. to TLC.
§ 103A—LR-10-81	Inc. Tax—Part 1—Mortgage subsidy bonds (Omnibus Reconciliation Act of 1980, §§ 1100-1103) (Flanagan/Coulter—TLC-McCarty).	LR—7/1/81 Notice pub.; 11/5/81 Hrg. held; 11/10/81 Rev. notice pub.
§ 103-8(f)—LR-100-75	Inc. Tax—Part 1—To clarify the definition of property that is a solid waste disposal facility & to conform to statutory exemption for industrial development bonds for qualified steam-generating or alcohol-producing facilities (Crude Oil Windfall Profit Tax Act 1980, § 241) (MacMaster/Coulter—TLC-.	LR—Notice pending Treasury review.
§ 103(h)—LR-86-80	Inc. Tax—Part 1—Industrial development bonds that must be in registered form and not guaranteed or subsidized under an energy program (Crude Oil Windfall Profit Tax Act 1980, § 244) (Kroupa/Coulter—TLC-.	LR—Notice pending Treasury review.
§§ 104(a), (b) 105(d)—LR-159-76	Inc. Tax—Part 1—Changes in exclusion for sick pay & certain military, etc. disability pensions; Certain disability income (TRA 1976, § 505; TR&SA, § 301) (Roth/Parcell).	LR—7/9/80 Notice pub.; T.D. Pending Treasury review.
§§ 108, 1017—LR-91-81	Inc. Tax—Part 1—Discharge of indebtedness (Bankruptcy Tax Act 1980, § 2 (P.L. 96-589) (Kissel/Whedbee—TLC-McCarty/Levinson).	LR—In LR for prep of notice.
§ 111—LR-136-81	Inc. Tax—Part 1—To clarify the proper recovery exclusion for State income tax refunds (Coplan/Smith).	LR—In LR for prep of notice.
§ 116—LR-83-80	Inc. Tax—Part 1—Partial exclusion of dividends and interest received by individuals (Mix/Francis—TLC-Cunningham/Levinson).	LR—2/9/81 Notice pub.; 6/22/82 Hrg. held.
§ 117(c)—LR-72-81	Inc. Tax—Part 1—Relating to Federal grant not includable in gross income in certain cases (P.L. 96-541, § 5(a)) (Alexander/Smith).	LR—In LR for prep of notice.
§ 118(b)—LR-136-76	Inc. Tax—Part 1—Contributions in aid of construction for certain utilities (TRA 1976, § 2120; TRA 1978, § 364) (Pearson/Blumkin-TLC).	LR—5/30/78 Notice pub.; 9/27/78 Hrg. held; 9/22/81 Rev. notice ret'd. to LR for further rev.
§ 124—LR-193-78	Inc. Tax—Part 1—Exclusion from gross income of value of qualified transportation provided by employer (Energy Act of 1978, § 242) (Roth/Parcell-TLC-Yecies/Levinson).	LR—Notice pending Treasury review.
§§ 126, 1255—LR-222-78	Inc. Tax—Part 1—Exclusion from income of certain cost-sharing payments under Government programs (RA 1978, § 543) (Mix/Parcell-TLC-Reinhold/Levinson).	LR—5/21/81 Notice pub.; 12/1/81 Hrg. held.
§ 128—LR-232-81	Inc. Tax—Part 1—Exclusion of interest on certain savings certificates (ERTA 1981, § 301) (Clark/Smith-TLC-Woodward/Levinson).	LR—10/20/81 Notice pub.; 11/23/81 Hrg. held.
§ 128—LR-234-81	Inc. Tax—Part 1—Partial exclusion of interest (ERTA, § 302) (Clark/Smith-Woodward/Levinson).	LR—In LR for prep of notice.
§§ 162, 62, 262, 3121, 8306, 3401—R-173-77.	Inc. Tax—Part 1—Empl. Tax—Part 31—Deductibility of certain transportation expenses (Baughman/Scott—TLC-Furer/Levinson).	TLC—4/30/82 Draft of notice to TLC.
§§ 162, 263, 404—R-79-79	Inc. Tax—Part 1—Pension, profit-sharing etc., plans and employee welfare benefits—Current deduction or capitalization of contributions allocable to self-constructed capital assets (Rosenthal/Fischer).	LR—In LR for prep of notice.
§ 162—R-5-82	Inc. Tax—Part 1—To add provisions relating to State legislators travel expenses (ERTA 1981, § 127) (Kroening/Francis).	CC: I, CC: Ind—6/25/82 Draft of notice to CC: I, CC: Ind, & ACC(Lit).
§§ 162, 4945—R-190-77	Inc. Tax—Part 1—To provide better definitions in the area of political advertising & grassroots lobbying (Haglund/Francis-TLC-Keyser/Levinson).	LR—11/25/80 Notice pub.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§§ 163(d), 703(b)—LR-1639	Inc. Tax—Part 1—Limitation on interest deduction (TRA 1969; Rev. Act 1971, § 304; TRA 1976, §§ 209, 901 (b) (21)) (Keesler/Parcell-TLC-Pike/Levinson).	LR—11/28/77 Notice ret'd. to LR for revision.
§ 166(f)—LR-1173	Inc. Tax—Part 1—Deductions for addition to a reserve for certain guaranteed debt obligations (P.L. 89-722) (Mix/Parcell-TLC).	TLC & CC:T—7/11/80 Notice pub.; 5/28/82 Final draft of T.D. to TLC & CC: T.
§ 167—LR-261-79	Inc. Tax—Part 1—To require a contribution to property from a CLADR account to be treated as an extraordinary retirement (Flanagan/Coulter-TLC-Hutton).	Treasury—12/30/81 Notice pub.; 3/10/82 T.D. to Treasury for formal approval.
§ 167(a)-11(c)(2)(iv)—LR-66-81	Inc. Tax—Part 1—Application of CLADR conventions (Kissel/Blumkin-TLC Yecies/Brown)	Treasury—3/10/82 T.D. to Treasury for formal approval.
§ 167(k)—LR-195-81	Inc. Tax—Part 1—Amortization of low-income housing (ERTA 1981, § 264) (Flanagan/MacMaster-TLC-Jewett).	LR—7/15/82 Notice pub.
§ 167(l)—LR-172-79	Inc. Tax—Part 1—Ratemaking treatment of public utility property (Rosenthal/Parcell-TLC-Pike/Brown).	LR—In LR for prep of notice.
§ 167(q)—LR-189-78	Inc. Tax—Part 1—Depreciation allowance in case of retirement of certain oil & gas boilers (Energy Tax Act, § 301(e)) (Magnatta/Coulter-TLC-Schuldinger).	LR—Notice pending Treasury review.
§§ 168. 179, 1245, 453, 167, 1250, 57(a)(12), 312(k), 172(b), 812(b), 46(b), 53(c), 381(c)—LR-185-81.	Inc. Tax—Part 1—Accelerated cost recovery system (ERTA 1981, §§ 201(a), 202-209) (Magnatta/Flanagan/Tolleris/Coulter-TLC-Yecies).	TLC 6/14/82 Draft of notice to TLC & CC: C—7/27/82 Comments from CC: C.
§ 168(e)(3)—LR-244-81	Inc. Tax—Part 1—Normalization requirement for public utility property (ERTA 1981, § 201) (Rosenthal/Parcell-TLC-Pike).	LR—In LR for prep of notice.
§ 169(d)(1)(4)—LR-193-76	Inc. Tax—Part 1—Amortization of certain pollution control facilities (TRA 1976, § 2112(b)(c)) (Wold/Coulter-TLC-Levinson).	Interp.—In Interp. for prep of notice.
§ 170—LR-219-81	Inc. Tax—Part 1—Charitable contributions of scientific property used for research (ERTA 1981, § 222) (Kroening/Bromell).	LR—In LR for prep of notice.
§§ 170(f)(3), 2055(e)(2), 2522(c)(2)—LR-200-76.	Inc. Tax—Part 1—Est & Gift Taxes—Parts 20 and 25—Transfers of partial interests in property for conservation purposes (TRA 1976, § 2124(e); TR&SA 1977, § 309)—To extend certain temporary tax provisions (Harman/Smith—TLC-Hutton/Levinson).	Commr.—4/14/82 Notice to Commr. for formal approval.
§§ 170(i), 63(b)—LR-255-81	Inc. Tax—Part 1—Charitable contributions deduction for nonitemizers (ERTA 1981, § 121) (Kroening/Bromell).	CC:Ind, CP, T:FP—6/25/82 Draft of notice to CC:Ind, CP, T:FP.
§§ 172, 537(b)—LR-218-78	Inc. Tax—Part 1—Net operating losses attributable to product liability losses (RA 1978, § 371) (Magnatta/Coulter—TLC-Furer).	TLC—7/9/82 Draft of notice to TLC.
§ 172(b)(1)(E)—LR-26-81	Inc. Tax—Part 1—Net operating loss carryover for certain REITS (Act of 12/24/80, P.L. 96-595) (Magnatta/Coulter—TLC).	LR—In LR for prep of notice.
§ 179—LR-233-81	Inc. Tax—Part 1—Election to expense certain depreciable assets (ERTA 1981, § 202) (Zyskind/Smith—TLC-Yecies).	TLC and 2/1/82 Draft of notice to TLC and CC:I—4/2/82 Comments from CC:I
§ 183(e)—LR-61-74	Inc. Tax—Part 1—Election to postpone application of sec. 183(d) presumption (RA 1971, § 311; TRA 1976, § 214) (Roth/Parcell—TLC-Baneman/Levinson).	TLC and CC:IND—3/6/81 Final draft of notice to TLC and T:I.
§§ 189—LR-145-76	Inc. Tax—Part 1—Amortization of real property construction period interest and taxes (TRA 1976, § 201; RA 1978, §§ 701(m)(1) & 701(e)) (Keesler/Parcell—TLC-Yecies.	TLC, CC:IND, CC:I 5/11/82 Rev. draft of notice to TLC, CC:C, CC:IND, CC:I—6/1/82 Comments from CC:C.
§ 192—LR-62-78	Inc. Tax—Part 1—Contributions to Black Lung Benefit (Black Lung Benefit Trust Rev. Act 1977, § 4(b)) (Stevenson/Woo—TLC-Hevener/Levinson).	EO—3/27/80 Draft of notice to TLC, T:C, E:O; 4/23/80 Comments from T:C; 7/17/80 Comments from TLC.
§ 193—LR-77-80	Inc. Tax—Part 1—To add provisions relating to tertiary injectants to conform to § 251, Crude Oil Windfall Profit Tax Act 1980 (Haglund/Francis—Schuldinger/Levinson).	TLC, CC:C, CC: Ind—7/1/82 Draft of notice to TLC, CC:C, CC: Ind.
§ 194—LR-224-80	Inc. Tax—Part 15b—Temp. Regs.—Amortization of certain reforestation expenditures (Title III, RBS & FI Act of 1980 (P.L. 96-451) (Coplan/Smith—TLC-Oppenheimer/Levinson).	LR—7/6/82 T.D. approved by Commr.
§§ 194, 48, 62, 1245—LR-189-80	Inc. Tax—Part 1—Amortization of certain reforestation expenditures (Title III of the Recreational Boating Safety & Facilities Improvement Act of 1980) (Coplan/Smith—TLC-Oppenheimer).	LR—7/6/82 Notice approved by Commr.
§ 195—LR-36-81	Inc. Tax—Part 1—To add provisions relating to start-up expenditures (Miscellaneous Revenue Act of 1980, § 102—P.L. 96-605) (Haglund/Francis).	LR—In LR for prep of notice.
§ 266—LR-22-82	Inc. Tax—Part 1—To clarify treatment of taxes measured by compensation paid employees (Pellervo/Whedbee).	LR—In LR for prep of notice.
§ 274(h)—LR-114-81	Inc. Tax—Part 1—To add provisions relating to foreign conventions (as amended by sec. 4 of P.L. 96-608) (Thompson/Francis).	CC:Int, CC:I—7/1/82 Draft of notice to CC:Int, CC:I.
§ 274(a)—LR-203-78	Inc. Tax—Part 1—Disallowance of certain entertainment expenses—To conform to sec. 361, RA 1978 (P.L. 95-600) (Stevenson/Scott—TLC-Reinhold/Levinson).	TLC—12/18/80 Draft of notice to TLC & CC:Ind; 1/19/81 Comments from CC:Ind.
§ 274(b)—LR-252-81	Inc. Tax—Part 1—Deductibility of gifts by employers (ERTA 1981, § 265) (Gihsburgh/Bromell).	TLC, CC:I, ACC(T)—7/7/82 Draft of notice to TLC, CC:Ind, CC:I, ACC(T); 7/19/82 Comments from CC:Ind.
§ 277—LR-1721	Inc. Tax—Part 1—Taxation of nonexempt membership organizations (TRA 1976, § 121(b)(3)) (Keesler/Parcell—TLC-Hevener/Levinson).	LR—5/6/72 Notice pub.; 8/8/72 Hrg. held; 11/8/79 Draft of rev. notice ret'd. to LR.
§ 280—LR-220-76	Inc. Tax—Part 1—Amortization of production cost of motion pictures, books, records, and other similar property (TRA 1976, § 210(a), (b)) (Roth/Parcell—TLC-Levinson).	CC:I—6/11/82 Draft of notice to CC:C, CC:I; 7/21/82 Comments from CC:C.
§ 280A—LR-261-76	Inc. Tax—Part 1—Deductions for expenses attributable to business use of homes, rental of vacation homes (TRA 1976, § 601)(Stevenson/Francis—TLC/Baneman/McKee).	CC:I, CC:Ind.—8/7/80 Notice pub.; 7/2/82 Draft of rev. notice to CC:I, CC:Ind.
§ 280A—LR-4-82	Inc. Tax—Part 1—Travel expenses of Members of Congress as amended by sec. 116 of the Black Lung Benefits Rev. Act (Pub. L. 97-119) (Kroening).	LR—1/21/82 Notice pub.; 5/11/82 Hrg. held.
§ 280B—LR-35-80	Inc. Tax—Part 1—Depreciation of certain rehabilitation expenditures for, and disallowance of deductions for amounts expended in demolishing certain historic structures (TRA 1976, § 2124)(Saverude—TLC-Baneman/Levinson).	Interp.—In Interp for prep of notice.
§§ 302, 337, 1371, 351, 312—LR-71-81	Inc. Tax—Part 1—Misc. corporate amendments (Bankruptcy Tax Act, § 5, Pub. L. 96-589)(Pellervo/Whedbee).	LR—In LR for prep of notice.
§ 303—LR-124-76	Inc. Tax—Part 1—Distribution in redemption of stock to pay death taxes (TRA 1976, § 2004 (e)) (Pellervo/Blumkin—TLC-Woodward/Levinson).	LR—Notice pending Treas. review.
§ 305—LR-241-81	Inc. Tax—Part 1—Relating to reimbursement of dividends in the stock of public utilities (ERTA 1981, § 321) (Pearson/Blumkin—TLC-Keyser/Levinson).	Treas.—1/12/92 Notice to Treas. for formal approval; 3/1/82 Changed pages fwd.
§ 305—LR-91-74	Inc. Tax—Part 1—To clarify meaning of term "reasonable redemption premium" (Kissel/Blumkin—TLC-Yecies/Levinson).	LR—Notice pending Treas. review.
§ 305(e)—LR-277-81	Inc. Tax—Part 5c—Temp. Regs.—Dividend reinvestment in stock of public utilities (ERTA 1981, § 321)(Pearson/Blumkin—TLC/Levinson).	Treas.—1/12/82 T.D. to Treas. for formal approval.
§ 334(b)(2)—LR-114-80	Inc. Tax—Part 1—To establish rules with respect to recapture items (Weinstein/Blumkin—TLC-Yecies/Levinson).	LR—In LR for prep of notice.
§ 337—LR-130-76	Inc. Tax—Part 1—Simultaneous liquidation of a parent and subsidiary (TRA 1976, § 2118; RA 1978, § 207(i))(Swift/Whedbee—TLC-Yecies/Levinson).	TLC—2/26/82 Draft of notice to TLC.
§ 351—LR-754	Inc. Tax—Part 1—Transfer by a cash basis taxpayer of unrealized accounts receivable, etc., to a corp. controlled by a transferree (Swift/Whedbee—TLC-Yecies/Levinson).	TLC—3/31/81 Rev. draft of notice to TLC and CC:C; 4/81 Comments from CC:C.
§ 355—LR-936	Inc. Tax—Part 1—Distribution of stock and securities of a controlled corp. (Duffy/Blumkin—TLC-Yecies/Mckee).	LR—1/13/77 Notice pub.; 1/21/77 Notice repub.; T.D. pending Treas. review.
§ 358—LR-1993	Inc. Tax—Part 1—Basis in stock of a corp. acquiring property in exchange for stock of corp. in control of acquiring corp. (Swift/Blumkin—TLC-Yecies/Mckee).	LR—1/2/81 Notice pub.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 362(c)—LR-98-82	Inc. Tax—Part 1—To deal with assistance payments made in connection with a reorganization under sec. 368(a)(3)(D)(ii) of the Code (Weinstein/Blumkin).	LR—In LR for prep of notice.
§ 362(c)—LR-97-82	Inc. Tax—Part 5c—Temp. Regs.—To deal with assistance payments made in connection with a reorganization under sec. 368(a)(3)(D)(ii) of the Code (Weinstein/Blumkin).	LR—In LR for prep of T.D.
§ 367(a)(1)—LR-24-81	Inc. Tax—Part 1—Relating to ruling requests (TRA 1976, § 1042(a))(Kadue/Saverude—ITC-Wold/Granwell).	ITC & CC:C—12/30/77 Notice pub. under LR-230-76; 10/5/79 Temp. Regs. pub.—T.D. 7646 10/5/79 Temp. Regs. pub.—T.D. 7646; 10/5/79 Notice pub.; 2/27/80 Hrg. held; 6/17/82 Rev. draft of notice to ITC and CC:C.
§ 367(a)(2)—LR-231-76	Inc. Tax—Part 1—Exception for transfers of property from the U.S. designated by the Secretary (TRA 1976, § 1042(a))(Dean/Saverude—ITC-Wold/Granwell).	ACC(T)—5/28/82 Discussion draft to ACC(T); 6/7/82 Comments from CC:C.
§ 367(b)—LR-2-78	Inc. Tax—Part 1—Changes in ruling requirements for sec. 367(b) transactions (TRA 1976, § 1042(a))(Schreiner/Saverude—ITC-Wold/Granwell).	LR—12/30/77 Notice pub. under LR-230-76; 10/5/79 Temp. Regs. pub.—T.D. 7646; 2/27/80 Hrg. held; In LR for prep of T.D.
§ 367(b)—LR-130-82	Inc. Tax—Part 7—Temp. Regs.—Transfers involving foreign corps. (Schreiner/Saverude)	LR—In LR for prep of T.D.
§§ 368, 382—LR-230-81	Inc. Tax—Part 5c—Temp. Regs.—Reorganizations involving financially troubled thrift institutions (ERTA 1981, §§ 241, 242)(Weinstein/Blumkin—TLC-Yecies/Brown).	TLC—7/9/82 Rev. draft of T.D. to TLC.
§ 368—LR-63-81	Inc. Tax—Part 1—Corporate reorganization amendments (Bankruptcy Tax Act 1980, § 4, P.L. 96-589) (Weinstein/Whedbee—TLC-Yecies/Levinson).	TLC & CC:C—3/1/82 Rev. draft of notice to TLC & CC:C.
§ 368(a)(2)(E)(b)(2)—LR-1994	Inc. Tax—Part 1—Acquisition of a corp. by merger of a corp. controlled by the acquiring corp. (P.L. 91-693) (Swift/Blumkin—TLC-Yecies/McKee).	LR—1/2/81 Notice pub.
§ 368(a)(2)(F)—LR-135-76	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Swift/Blumkin)	LR—1/7/81 Notice pub.
§ 382—LR-63-82	Inc. Tax—Part 1—To clarify § 1.382-6 with regard to inventory pools (Keesler/Parcell)	TLC— 7/9/82 Draft of Notice to TLC.
§ 385—LR-75-81 RFA	Inc. Tax—Part 1—Treatment of certain corporate interests as stock or indebtedness (TRA 1969, § 415) (Swift/Blumkin—TLC-Furer).	LR—1/5/82 Notice pub.; 3/10/82 Hrg. held.
§ 385—LR-92-82	Inc. Tax—Part 1—Characterization in international transactions of interests in corps. as stock or indebtedness (TRA 1969, § 415 (Duffy/Blumkin—ITC-Shay).	ITC—5/11/82 Draft of notice to ITC, CC:C, etc., 6/4/82 Comments from CC:C. (Final reg. target date Dec., 1982; draft regulatory flexibility analysis prepared.)
§ 414 (b), (c)—LR-209-74	Inc. Tax—Part 1—Definitions and special rules (P.L. 93-406, § 1015) (Pearson/Whedbee—TLC-Oppenheimer/Levinson).	CC:C and EP—11/5/75 Notice pub.; 9/23/80 Draft of T.D. to CC:C & EP.
§ 422A—LR-279-81	Inc. Tax—Part 1—Creation & treatment of incentive stock options (ERTA 1981, § 251) (Bosco/Parcell—TLC-Hevener).	LR—In LR for prep of notice.
§ 446(e)—LR-188-79	Inc. Tax—Part 1—Requests for change of method of accounting from an erroneous method of accounting (Bennett/Parcell—TLC-Hutton).	LR—3/31/82 Notice ret'd to LR for revision.
§ 446(e), 481—LR-47-80	Inc. Tax—Part 1—Clarification of relationship between secs. 446(e) and 481 (Rosenthal-Parcell—TLC-Hutton).	LR—Notice pending Treas. review.
§ 447—LR-143-76	Inc. Tax—Part 1—Method of accounting for corps. engaged in farming (TRA 1976, § 207(c)) (Keesler/Parcell—TLC-Hutton).	TLC & CC:C—2/26/82 Rev. draft of notice to TLC & CC:C.
§ 451—LR-274-81	Inc. Tax—Part 1—To clarify treatment of certain costs incurred with respect to long term contracts (Rosenthal/Fischer—TLC-Hutton).	CC:C, CC:Int.—6/22/82 Rev. draft of notice to CC:C & CC:Int.
§§ 453, 453B, 1001, 72—LR-103-81	Inc. Tax—Part 15A—Temp. Regs.—Treatment of gain realized on the exchange of appreciated property for a private annuity (Mix/Parcell—TLC-McCarty/Levinson).	LR—T.D. pending Treas. review.
§ 453—LR-173-80 RFA	Inc. Tax—Part 1—General rules and contingent sales (Mix/Parcell—TLC-McCarty/Levinson)	TLC, CC:C, CC:Ind, CC:I; 2/4/81/ Notice pub.; 10/1/81 Hrg. held; 7/19/82 Final draft of T.D. to TLC, CC:C, CC:Ind, etc. (Final reg. target date Dec., 1982; draft regulatory flexibility analysis prepared.)
§ 453—LR-184-80 RFA	Inc. Tax—Part 1—Installment obligations received from a liquidating obligation (P.L. 96-471) (Mix/Parcell—TLC-McCarty/Levinson).	CC:C, CC:IND, CC:Interp.; TLC; 5/6/82 Draft of notice to CC:C, CC:IND, CC:Interp., 7/19/82 Draft of notice to TLC. (Draft regulatory analysis required; not yet prepared.)
§ 453—LR-186-80 RFA	Inc. Tax—Part 1—Installment obligations received in transactions in which gain or loss is generally not recognized (P.L. 96-471) (Mix/Parcell—TLC-McCarty/Levinson).	Commr.—6/23/82 Notice to Commr. for formal approval. (Draft regulatory analysis required; not yet prepared.)
§ 453—LR-2-81 RFA	Inc. Tax—Part 1—Related party resales (P.L. 96-471) (Mix/Parcell—TLC-McCarty/Levinson)	CC:C, CC:IND, CC:Interp, TLC; 5/7/82 Rev. draft notice to CC:C, CC:IND, CC:Interp; 7/19/82 Draft of notice to TLC. (Draft regulatory analysis required; not yet prepared.)
§ 453—LR-147-82 RFA	Inc. Tax—Part 1—Installment Sales Revision Act of 1980 (P.L. 96-471) Regs. relating to wrap-around mortgages (Mix/Parcell).	LR—In LR for prep of notice. (Draft regulatory analysis required; not yet prepared.)
§ 453a—LR-146-81	Inc. Tax—Part 15A—Temp. Regs.—Installment method reporting by dealers in personal property (Mix/Parcell—TLC-McCarty).	LR—T.D. Pending Treas. review.
§ 458—LR-195-78	Inc. Tax—Part 1—Exclusion from gross income with respect to magazines, paperbacks, and record returns after close of taxable year (RA 1978, § 372) (Bennett/Parcell—TLC-Hutton/Levinson).	Treas.—10/6/81 Notice to Treas. for formal approval.
§ 461—LR-190-76	Inc. Tax—Part 1—Treatment of prepaid interest (TRA 1976, §§ 208, 1901(a)(69)) (Bennett/Parcell—TLC-Hutton).	LR—Notice pending Treas. review.
§§ 463, 81—LR-6-75	Inc. Tax—Part 1—Accrual of vacation pay (Pub. L. 93-625) (Bennett/Parcell—TLC-Hutton)	LR—Notice pending Treas. review.
§§ 464, 278(b)—LR-144-76	Inc. Tax—Part 1—Limitation on deductions in case of farming syndicates (TRA 1976, § 207 (a), (b)) (Keesler/Parcell—TLC-Hutton).	TLC & Tech—8/31/81 Final draft of notice to TLC & Tech.
§ 465—LR-168-76	Inc. Tax—Part 1—Determination of amounts at risk with respeact to certain activities (TRA 1976, § 204) (Bennett/Parcell—TLC-McCarty/Levinson).	LR—6/5/79 Notice Pub.; 9/27/79 Hrg. held; 5/14/82 T.D. ret'd. to LR for revision.
§ 466—LR-217-78	Inc. Tax—Part 1—Qualified discount coupons returned after close of taxable year (Bennett/Parcell—TLC-Hutton).	TLC 4/20/82 Final draft of notice to TLC.
§ 471—LR-2158	Inc. Tax—Part 1—Inventories at cost or market, whichever is lower (Roth/Parcell—TLC-Hutton).	TLC 6/1/77 Final draft of notice to TLC.
§§ 472(d), 474—LR-254-81	Inc. Tax—Part 1—Three-year averaging for increases in inventory value when electing LIFO method of accounting; Use of one inventory pool by small businesses electing LIFO method of accounting (ERTA 1981, §§ 236, 237) (Roth/Parcell—TLC-Hutton).	Commr.—7/22/82 Notice to Commr. for formal approval.
§ 473—LR-82-80	Inc. Tax—Part 1—Qualified liquidations of LIFO inventories (Crude Oil Windfall Profit Tax Act 1980, § 403) (Rosenthal/Parcell—TLC-Hutton).	LR—Notice pending Treas. review.
§ 482—LR-307-76	Inc. Tax—Part 1—Allocation of income & deductions among taxpayers to revise percentage applied in determining rental change for use of tangible property to reflect amdmt. of regs. to provide for a "safe haven" imputed interest rate of 6-8 percent (Schreiner/Saverude—TLC-Baneman/Levinson—ITC-Shay/Lainoff).	ITC—7/9/82 Rev. draft of notice to ITC.
§ 483(g)—LR-246-81	Inc. Tax—Part 1—Maximum rate of imputed interest for sale of land between related persons (ERTA 1981, § 126) (Rosenthal/Parcell).	LR—In LR for prep of notice.
§ 512(a)(3)—LR-1744	Inc. Tax—Part 1—Social clubs Unrelated business income (TRA 1969, § 121 (b)(1)) (Mix/Parcell—TLC-Hevener/Levinson).	LR—5/13/71 Notice pub.; 8/31/71 Hrg. held.
§ 527—LR-243-81	Inc. Tax—Part 1—Rates of tax for principal campaign committees (ERTA 1981, § 128) (Thompson/Coulter—TLC-Reinhold/Levinson).	LR—1/16/82 Notice to CC:LR for formal approval.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 532—LR-125-78	Inc. Tax—Part 1—To apply accumulated earnings tax to corps. accumulating E&P to avoid income tax on certain foreign corp. shareholders (Doran/Saverude—ITC-Shay/Lainoff).	LR—12/22/80 Notice Pub.; 5/6/82 Hrg. held; In LR for prep of T.D.
§ 535(c)—LR-198-81	Inc. Tax—Part 1—Increase in accumulated earnings credit (ERTA 1981, § 232) (Thompson/Coulter).	INTERP—In Interp for prep of notice.
§§ 541-45, 551-55—LR-680	Inc. Tax—Part 1—Various sections of the Code affecting personal holding cos. (§ 225) in part), (RA 1964, also P.L.'s 89-809, §§104 (h), 206; 91-172, § 101 (j) (16); TRA 1976, §§ 211, 2106) (Thompson/Saverude-TLC-Levinson).	LR—9/5/68 Notice pub.; Revised notice pending Treasury review.
§ 565—LR-29-80	Inc. Tax—Part 1—Accumulated earnings tax (Thompson/Coulter-TLC/Levinson)	Tech—12/12/80 Notice fwd. for formal approval.
§§ 584 (a) (1), (c) (1) (A) & (B), (c) (2), (e), 6032—LR-133-76.	Inc. Tax—Part 1—Tax treatment of common trust funds (P.L. 94-414, § 1; 94-455; TRA 1976, §§ 2138(a), 1402 (b), 1901 (b), 2131 (d)) (Schreiner/Coulter-TLC-Jewett/Levinson).	CC:C, CC:I—9/22/80 Notice pub.; 2/19/81 Hrg. held; 4/30/82 Draft of T.D. to TLC; 5/4/82 Draft of T.D. to CC:C, CC:I; 5/28/82 Comments from CC:TL; 7/22/82 Comments from TLC.
§ 585—LR-190-81	Inc. Tax—Part 1—Limitation on additions to bank loss reserves (ERTA 1981, § 267) (Thompson/Coulter-TLC-Pike).	Treasury—6/17/82 T.D. to Treasury for formal approval.
§ 591—LR-191-81	Inc. Tax—Part 1—Mutual savings banks with capital stock (ERTA 1981, § 245) (Magnatta-Coulter).	TLC & T:I—12/10/81 Draft of notice to TLC & T:I; 2/1/82 Comments from T:C.
§ 593 (b) (3), (4), (5)—LR-152-73	Inc. Tax—Part 1—Reserves for losses on loans of mutual savings banks, etc. (TRA 1969, § 432 (a)) (ERTA 1981, § 243) (Thompson/Coulter-TLC-.	LR—Notice pending Treasury review.
§§ 612,613—LR-1148	Inc. Tax—Part 1—Restoration of depletion deductions on bonus and advanced royalties in certain cases (Woo/Bromell-TLC-Schuldinger/Levinson).	CC:C & A/C(EX)—5/26/82 Rev. draft of notice to CC:C & A/C(EX).
§ 613—LR-2073	Inc. Tax—Part 1—Percentage depletion deduction—To clarify rules relating to determination of gross income from the proper;ty in the case of oil & gas wells (Woo-Bromell-TLC-Schuldinger/Levinson).	LR—Notice pending Treasury review.
§ 593—LR-152-79	Inc. Tax—Part 1—Additions to reserves for losses on loans of mutual savings banks, etc. (ERTA 1981, § 243) (Thompson/Coulter).	TLC—12/15/81 Draft of notice to TLC & T:C 2/19/82 Comments from T:C.
§ 613(b) LR-2072	Inc. Tax—Part 1—Percentage depletion rates (TRA 1960, § 501); also (P.L. 89-809, §§ 207, 208, 209) (Woo/Bromell-TLC-Schuldinger/Levinson).	LR—Notice pending Treasury review.
§§ 613A, 703(a), 705(a)—LR-105-75	Inc. Tax—Part 1—Supplementary rules on limitations on percentage depletion for oil & gas (TRA 1975, § 501; TRA 1976, §§ 1901 (a) (86), 2115) (Woo/Bromell-TLC-Schuldinger/Levinson).	TLC, CC:C CC: INTERP.—5/13/77 Notice pub.; 8/31/78 Hrg. held; 4/28/82 Draft of T.D. to TLC, CC:C, CC:INTERP.
§ 613A(c)—LR-35-81	Inc. Tax—Part 1—To conform to § 3 of the Act of 12/28/80 (P.L. 96-603) (Haglund/Woo-TLC Schuldinger/Levinson).	LR—In LR for prep of notice.
§ 642 (g)—LR-183-76	Inc. Tax—Part 1—Certain expenses of estates (TRA 1976, § 2009(d)) (Zyskind/Smith—TLC-Woodward/Levinson).	LR—2/14/82 Notice awaiting Treasury approval.
§§ 644, 641(b) LR-188-76	Inc. Tax—Part 1—Special rule for property transferred at less than fair market value (TRA 1976, § 701(e)) (RA 1978, § 701(p)) (Clark/Smith—TLC-Woodward-Levinson).	CC:I, CC:Ind. ACC(T)—6/28/82 Draft of notice to CC:I, CC:Ind, ACC(T).
§§ 664, 170A, 25.2522—LR-42-73	Inc. Tax—Part 1—To provide rules for application of charitable remainder trust provisions to certain living trusts (Haglund/Woo—TLC-Baneman-Levinson).	LR—Notice pending Treasury review.
§§ 667, 666(e), 668, 665 (b), (e)-(g), 669, 1302 (a) (2) (B), (b) (2) (B), 6401 (b) LR-184-76.	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Accumulation trusts (TRA 1976, §§ 701 (a)-(d), (f), 1014); (Harman/Smith—TLC-Woodward/Levinson—ITC-Silver/Lainoff).	TLC—4/30/82 Draft of notice TLC.
§§ 679, 678(b), 643 (a), (c) (c), (D), (d), 6048, 6677—LR-187-76.	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Foreign trusts having U.S. beneficiaries (TRA 1976, §1013) (Harman-Smith—ITC-Silver /Lainoff.	ITC—6/8/82 Draft of notice to ITC.
§ 704(b)—LR-262-76	Inc. Tax—Part 1—Determination of partner's distributive share (TRA 1976, § 213(d)) (Schmalz/Bromell—TLC-Levinson).	CC:IND, CC:I, TLC—7/13/82 Rev. draft of notice to CC:IND, CC:I, TLC.
§§ 706(c)(2)(B), 704—LR-265-76	Inc. Tax—Part 1—Items allocated to portion of year partner held interest (TRA 1976, § 213(c)) (Ginsburgh/Francis—TLC-Levinson).	CC-Ind., CC:I, ACC(Lit)—6/21/82 Rev. draft of notice to CC:Ind., CC:I, ACC(Lit).
§ 707D(c)—LR-2127	Inc. Tax—Part 1—To conform the income tax regs. relating to guaranteed payments to partners to sec. 213(b)(3) of TRA 1976 and to the *Miller* and *Carey* decisions (Charnas/Francis—TLC-Levinson).	LR—2/13/81 Draft of notice ret'd to LR for revision.
§ 709—LR-266-76	Inc. Tax—Part 1—Clarification of treatment of partnership syndication fees, etc. (TRA 1976, § 203(b)) (Haglund/Bromell—TLC-Kuller/Levinson).	LR—1/11/80 Notice pub.; 5/21/80 Hrg. held; 4/7/82 T.D. to CC:LR for formal approval.
§ 731—LR-39-82	Inc. Tax—Part 1—Amendment of § 1.731-1(c) to clarify the tax treatment of a distribution of property by a partnership to a partner who had recently contributed other property to the partnership (Stevenson/Bromell).	LR—in LR for prep of notice.
§§ 761, 6031—LR-36-80	Inc. Tax—Part 1—Certain compliance problems where elections out of Subch. K are made (Schmalz/Francis—TLC-Levinson).	LR—6/17/81 Draft of notice ret'd. to LR for revision.
§§ 809, 811—LR-276-81	Inc. Tax—Part 1—To Clarify the treatment of certain amounts refunded in reinsurance transactions (Bennett/Parcell—TLC-Pike).	LR—3/19/82 Notice pub.; 8/19/82 Hrg. to be held.
§ 860—LR-183-78	Inc. Tax—Part 1—Real estate investment trusts & regulated investment companies (RA 1978, § 362) (Pellervo/Whedbee—TLC-Baneman/Levinson).	Treas.—3/31/80 Notice pub.; 5/26/82 T.D. to Treas. for formal approval.
§ 861(a)—LR-215-78	Inc. Tax—Part 1—Computation of taxable income from sources within and without the U.S. (Duffy/Saverude—ITC-SHAY/Lainoff).	Treas.—6/10/81 Notice to Treas. for formal approval (Draft regulatory analysis required; not yet prepared.)
§ 861(a)(7)—LR-71-77	Inc. Tax—Part 1—Source of income of underwriting income (TRA 1976, § 1036) (Bennett/Parcell—ITC-Shay/Lainoff).	LR—In LR for prep of notice.
§ 861D(e)—LR-57-81	Inc. Tax—Part 1—Income from certain leased aircraft, vessels, and spacecraft treated as income from sources within the U.S. (Pub. L. 96-605, § 104) (Kadue/Saverude).	LR—In LR for prep of notice.
§ 861(f)—LR-184-79	Inc. Tax—Part 1—To provide rules for the treatment of income from certain railroad rolling stock as income from sources within the U.S. (Bouma/Saverude—ITC-Wold/Lainoff).	ITC—12/12/80 Draft of notice to ITC and T:C; 1/22/81 Comments from T:C.
§ 864—LR-34-80	Inc. Tax—Part 1—To prevent a foreign bank with branch office in U.S. from avoiding U.S. taxation by booking a loan in its foreign home office (Kadue/Renfroe—ITC-Silver/Lainoff).	Commr.—7/27/82 Notice to Commr. for formal approval.
§§ 871, 881, 1441, 1442—LR-2043	Inc. Tax—Part 1—Original issue discount (RA 1971, § 313) (Schreiner/Saverude—ITC-Shay/Lainoff).	ITC—7/12/76 Notice pub.; 11/18/76 Hrg. held; 1/28/81 Draft of T.D. to ITC and T:C; 4/17/81 Comments from T:C.
§ 892—LR-110-80	Inc. Tax—Part 1—Rules for determining whether loans or net leases are commercial activities (Kadue/Saverude—ITC-Wold/Lainoff).	JR—7/22/80 Notice pub.; 3/20/81 Draft of T.D. ret'd to LR for reconsideration.
§§ 897, 6039C, 6652—LR-30-81	Inc. Tax—Part 6a—Temp. Regs.—Taxation of foreign investment in U.S. real property and information returns concerning foreign ownership of U.S. real property (Subtitle C of Title XI of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499); ERTA 1981, § 831) Renfroe/Saverude—ITC-Wold/Schreyer).	Commr.—7/29/82 T.D. to Commr. for formal approval.
§ 897—LR-130-81	Inc. Tax—Part 6a—Temp. Regs.—Non-recognition, reorganization, partnership, trusts, estate and REIT rules re. taxation of foreign investment in U.S. real property—Subtitle C of Title XI, Omnibus Reconciliation Act of 1980 (ERTA 1981, § 831) (Schreiner/Saverude—ITC-Wold/Schreyer).	ITC & T:C—2/12/82 Draft of T.D. to ITC and T:C.
§ 897(e)(2)—LR-36-82	Inc. Tax—Part 6a—Temp. Regs.—Partnership, trust and estate rules re. taxation of foreign investment in U.S. real property—Subtitle C of Title XI, Omnibus Reconciliation Act of 1980 (Feldman-Saverude).	LR—In LR for prep of T.D.
§ 897(e)(2)(g)—LR-37-82	Inc. Tax—Part 1—Partnership, trust, and estate rules re. taxation of foreign investment in U.S. real property—Subtitle C of Title XI, Omnibus Reconciliation Act of 1980 (Feldman/Saverude).	LR—In LR for prep of notice.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§§ 897, 6039C, 6652—LR-154-82	Inc. Tax—Part 1—Taxation of foreign investment in U.S. real property and information returns concerning foreign ownership of U.S. real property (Subtitle C of Title XI of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499); ERTA 1981, § 831) (Renfroe/Saverude).	Commr.—7/29/82 Notice to Commr. for formal approval.
§ 901(f)—LR-65-75	Inc. Tax—Part 1—Certain payments for oil or gas not to be considered as taxes (TRA 1975, Pub. L. 94-12, §§ 275(a), 901, 601(b)) (Duffy/Blumkin—ITC-Schreyer/Granwell).	LR—11/17/80 Notice pub.; 5/29/81 Hrg. held; In LR for prep of T.D.
§§ 901, 903—LR-100-78	Inc. Tax—Part 1—To provide rules setting forth requirements for creditable foreign taxes (Bouma/Saverude—ITC-Lainoff/Schreyer.	ITC—6/20/79 Notice pub.; 10/11/97 Hrg. held; 11/17/80 Temp. Regs. T.D. 7739 pub.; 11/17/80 Notice pub.; 5/28/81 Hrg. held; 7/19/82 Draft of T.D. to ITC.
§ 902—LR-196-75	Inc. Tax—Part 1—To clarify rules for determining earnings & profits of a foreign corp. and amount of creditable foreign taxes (Schreiner/Saverude—ITC-Lainoff/Schreyer).	CC:C, CC:I, ACC(Lit), ITC—6/8/82 Draft of notice to CC:C, CC:I, ACC(Lit); 7/9/82 Draft to ITC.
§ 904(b) (2) and (3)—LR-228-76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403(c)(4), 701(c)(2) and (3)) (Feldman/Saverude—ITC-Lainoff/Schrever).	ITC, CC:C, CC:I—7/9/82 Draft to ITC, CC:C, CC:I.
§ 904(e)—LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks and carryovers of foreign taxes as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Bouma/Saverude—ITC-Lainoff/Schreyer).	Treasury—1/6/82 Notice to Treasury for formal approval.
§ 904(f)—LR-3-77	Inc. Tax—Part 1—Recapture of foreign losses (TRA 1976, § 1032) (Dean/Renfroe—ITC-Lainoff/Schreyer).	ITC—9/29/80 Draft of notice to ITC and T:C; 4/22/81 Comments from T:C.
§§ 905(c), 6689—LR-34-81	Inc. Tax—Part 1—Proc. and Admin.—Part 301—Amendment of regs. as required by Pub. L. 96-603, § (2)(c) (1) and (2)— Interest and penalties for failure to notify following receipt of refunds of foreign tax (Doran/Schreiner—ITC-Lainoff/Schreyer).	LR—In LR for prep of notice.
§ 907—LR-70-75	Inc. Tax—Part 1—Limitation dealing with foreign tax credit for taxes paid in connection with foreign oil and gas income (TRA 1975, § 601; TRA 1976, § 1035) (Duffy/Blumkin—ITC-Schreyer/Granwell).	LR—11/17/80 Notice pub.; 5/29/81 Hrg. held; In LR for prep of T.D.
§§ 911, 119, 913, 3401(a)(8)—LR-208-81	Inc. Tax—Part 1—Income of U.S. citizens and residents working abroad; Exemption from withholding (Subtitle B of Title I of ERTA 1981, §§ 111, 112, 113) (Doran/Renfroe—ITC-Lainoff/Schreyer).	LR—In LR for prep of notice.
§§ 905(c), 6689—LR-118-82	Inc. Tax—Part 4—Temp. Regs.—Creditability of foreign taxes with respect to taxpayer's obligation to file a notice of redetermination of foreign tax liability and civil penalties for failure to file (Pub. L. 96-603, § 2(c)) (Doran/Schreiner).	LR—In LR for prep of T.D.
§ 936(d)(2)—LR-106-77	Inc. Tax—Part 1—Definition of qualified possession source investment income for purposes of Puerto Rico & possession tax credit (TRA 1969, § 1051) (Feldman/Saverude—ITC-Lainoff/Schreyer).	Treasury 5/5/81 Notice to Treasury for formal approval.
§§ 951, 954, 955—LR-68-75	Inc. Tax—Part 1—Current taxation of shipping profits of controlled foreign corps. except to extent such profits are reinvested in shipping operations (TRA 1975, § 602(d); TRA 1976, § 1024) (Feldman/Saverude—ITC-Schreyer).	Commr.—8/9/76 Notice pub.; 8/22/77 Temp. Regs. T.D. 7503 Pub.; 7/1/81 T.D. to Commr. for formal approval.
§§ 951(a), 954(b)(1)(f), 955—LR-67-75	Inc. Tax—Part 1—Conforming regs. to certain amendments to subpart F (TRA 1975, Pub. L. 94-12, § 602(a)(3) (B) and (C) (other than (c)(6)) (Feldman/Saverude—ITC-Schreyer).	Commr.—2/9/78 Notice pub.; 7/1/81 T.D. to Commr. for formal approval.
§§ 952, 995, 964—LR-234-76	Inc. Tax—Part 1—Denial of certain tax benefits in connection with payment of certain bribes (TRA 1976, §§ 1065, 1066(b)) (Schreiner/Saverude—ITC-Wold/Lainoff).	ITC Commr.—2/3/81 Notice pub.; 8/10/81 Draft of T.D. to ITC and T:C; 9/24/81 Comments from T:C.
§ 960 (a)(1)—LR-237-76	Inc. Tax—Part 1—Third tier foreign tax credit when sec. 951 applies (TRA 1976, § 1037) (Renfroe/Saverude—ITC-Shay/Lainoff).	Treas.—11/19/80 Notice pub.; 6/17/81 T.D. to Treas. for formal approval.
§§ 993(d), 995(c), 751(c), 996(a)(2)—LR-245-76.	Inc. Tax—Part 1—Misc. DISC amdmts. (TRA 1976, § 1101 (c), (d), (e) and (g)(1)-(4)) Bouma/Saverude—ITC-Shay/Lainoff.	Commr.—1/2/81 Notice pub.; 7/26/82 T.D. to Commr. for formal approval.
§ 993—LR-92-77	Inc. Tax—Part 1—DISC—Definition of trade receivable (Act of 1971, § 501) (Feldman/Saverude—ITC-Shay/Lainoff).	LR—4/10/80 Notice to DED for formal approval.
§ 995—LR-246-76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales and incremental export gross receipts (TRA 1976, § 1101 (a), (g) (1) and (5)) (Feldman/Saverude—ITC-Shay/Lainoff).	Treas.—7/22/81 Notice to Treas. for formal approval.
§ 1014(e)—LR-235-81	Inc. Tax—Part 1—Basis of certain appreciated property transferred to decedent, etc. (ERTA 1981, § 425) (Alexander/Smith).	LR—In LR for prep of notice.
§§ 1056, 1245—LR-222-76	Inc. Tax—Part 1—Basis limitation and recapture of depreciation on player contracts (TRA 1976, §§ 212 (a), (b), 1901(b)(11)(D), 1951(c)(2)(C), 2122(b)(3), 2124(a)(2)) (Keesler/Parcell—TLC-McCarty/Levinson).	TLC—5/28/82 Draft of notice to TLC.
§ 1058—LR-182-78	Inc. Tax—Part 1—Transfers of securities under certain agreements (Pub. L. 95-345, § 2) (Keesler/Parcell—TLC-Kuller/Levinson).	CC: IND—8/19/81 Final draft of notice to TLC and CC: IND; 6/28/82 Comments from TLC.
§§ 1092, 6653, 263(g), 1256, 1212, 1236, 1234A—LR-187-81.	Inc. Tax—Part 1—Tax straddles (ERTA 1981, §§ 501-509) (Wold/Fischer)	LR—In LR for prep of notice.
§§ 1092, 1256, 6653, 263(g), 1212, 1221, 1236, 1234A—LR-186-81.	Inc. Tax—Part 5c—Temp. Regs.—Tax straddles (ERTA 1981, § 501-509) (Wold/Fischer)	TLC—7/19/82 Draft of T.D. to TLC.
§§ 1092, 1256—LR-280-81	Inc. Tax—Part 5c—Temp. Regs.—Transitional rules relating to tax straddles (ERTA, §§ 508-509) (Wold/Fischer—TLC-Reinhold).	Treas.—4/12/82 T.D. to Treas. for formal approval; 6/4/82 Changed pages to Treas.
§§ 1092 (a), (c), 1256—LR-281-81	Inc. Tax—Part 5c—Temp. Regs.—Tax straddlle identification rules (ERTA 1981, §§ 501(a), 503(a)) (Wold/Fischer)—TLC-Reinhold).	LR—In LR for prep. of final draft of T.D.
§§ 1101, 1102, 1103, 311, 6151, 6158, 6503, 6601—LR-286-76.	Inc. Tax—Part 1—Divestures of assets by bank holding companies (Pub. L. 94-453) (Swift/Blumkin).	LR—Notice pending Treas. review.
§§ 1201, 1202—LR-187-78	Inc. Tax—Part 1—Alternative tax on capital gains (RA 1978, §§ 401, 402, 403) (Flanagan/Francis—TLC-Hevener).	LR—In LR for prep of notice.
§ 1231(b)—LR-129-80	Inc. Tax—Part 1—Inclusion of timber within the definition of "property used in the trade or business" (Tolleris/Coulter—TLC-Kuller/Levinson).	Treas.—6/17/82 T.D. to Treas. for formal approval.
§ 1236, 1244, 1372—LR-180-78	Inc. Tax—Part 1—To include put and call options within the definitions of stock or securities (Magnatta/Francis—TLC-Levinson).	LR—Notice pending Treas. review.
§ 1239—LR-104-81	Inc. Tax—Part 1—Applicability of sec. 1239 to a sale or exchange where seller acquires 80 percent control over a corporation (Magnatta/Coulter).	TLC—5/28/82 Draft of notice to TLC.
§ 1244(c)-2—LR-163-81	Inc. Tax—Part 1—Manner of computing capital receipts ceiling amount in transitional year (Thompson/Coulter—TLC-McCarty/Levinson).	Treas.—5/19/82 T.D. to Treas. for formal approval.
§§ 1248, 751—LR-232-76	Inc. Tax—Part 1—Gain from sale or exchange of stock in foreign corps. (TRA 1976, §§ 1022, 1042 (b), (c)) (Bouma/Saverude—ITC-Shay/Lainoff).	ITC—4/30/82 Draft of notice to ITC.
§ 1250—LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2121(b), 2124(a)), (Thompson/Francis—TLC-Yecies).	LR—In LR for prep of notice.
§ 1253—LR-1644	Inc. Tax—Part 1—Transfer of franchises; trademarks and trade names (TRA 1969, § 516(c)) (Tolleris/Coulter—TLC-Cunningham/Levinson).	LR—7/15/71 Notice pub.; 3/23/82 Rev. notice ret'd. to LR for further rev.
§ 1253—LR-183-81	Inc. Tax—Part 1—To clarify treatment of basis in transfers of franchises, trademarks, and trade names (Tolleris/Coulter).	LR—In LR for prep of notice.
§§ 1254, 751(c)—LR-276-76	Inc. Tax—Part 1—Gain from disposition of interest in oil or gas property (TRA 1976, §§ 205, 1901(a)(93)) (Kroupa/Scott—TLC-Schuldinger).	ACC(T)—6/11/80 Notice pub.; 9/9/80 Hrg. held; 5/17/82 T.D. to ACC(T) for formal approval.
§ 1371—LR-215-81	Inc. Tax—Part 1—Shareholders of Subchapter S corps (ERTA 1981, §§ 233, 234) (Ginsburgh/Woo).	LR—In LR for prep of notice.

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1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 1371—LR-4-73	Inc. Tax—Part 1—Treatment of obligations which purport to represent debt as a second class of stock (Ginsburgh/Woo—TLC-Baneman/Levinson).	LR—Notice pending Treas. review.
§§ 1371, 1372—LR-277-76	Inc. Tax—Part 1—Certain rules relating to shareholders of subchapter S corps. (TRA 1976, §§ 902 (a) and (c); 1901(a)(149)) (Ginsburgh/Saverude—TLC-Baneman/Levinson).	LR—4/17/80 Notice pub.; 10/8/80 Hrg. held; In LR for prep. of final draft of T.D.
§§ 1382-3, 1388-1—LR-268-79	Inc. Tax—Part 1—Distributions qualifying as patronage dividends (Keesler/Parcell—TLC-Pike).	LR—Notice pending Treas. review.
§§ 1385, 1388—LR-1175	Inc. Tax—Part 1—Relating to tax treatment of per unit retain allocations (Pub. L. 89-809, § 211) (Keesler/Parcell—TLC-Pike).	LR—Notice pending Treas. review.
§§ 1398, 1399—LR-48-81	Inc. Tax—Part 1—Rules relating to title 11 cases for individuals (Bankruptcy Tax Act of 1980, § 3, (Pub. L. 96-589)) (Swift/Whedbee—TLC-Cunningham/Levinson).	LR—In LR for prep of notice.
§ 1441—LR-40-79	Inc. Tax—Part 1—To provide for a certification method of withholding on dividends paid to nonresident aliens (Doran/Renfroe—ITC-Granwell).	ITC—4/30/82 Draft of notice to ITC.
§ 1441—LR-165-78	Inc. Tax—Part 1—Personal services income of nonresident individuals (Kadue/Saverude—ITC-Wold/Lainoff).	ITC—5/28/82 Rev. draft of notice to ITC.
§§ 1491, 1057—LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Kadue/Saverude—ITC-Wold/Lainoff).	ITC & T:C—5/29/81 Draft of notice to ITC and T:C.
§ 1502—LR-1086	Inc. Tax—Part 1—Revision of regs. under sec. 1502 re. personal holding companies (Kissel/Blumkin—TLC-McCarty).	LR—7/5/79 Notice ret'd to LR for revision.
§ 1502—LR-140-73	Inc. Tax—Part 1—Misc. and tech. amendments to consolidated return regs. (Weinstein/Blumkin—TLC-Pike).	LR—3/21/78 Notice ret'd to LR for revision.
§ 1502—LR-222-81	Inc. Tax—Part 1—Accelerated depreciation in investment adjustments (Weinstein/Blumkin—TLC-McCarty/Levinson).	CC:C and TLC—3/23/82 Draft of notice to CC:C & TLC.
§ 1502—LR-97-79	Inc. Tax—Part 1—Credit & deductions etc., for consolidated returns (Kissel/Blumkin—TLC-Pike).	CC: Interp. ACC(Lit)—5/13/82 Draft of notice to CC: Interp. and ACC(Lit).
§ 1502—LR-94-74	Inc. Tax—Part 1—To provide consolidated return rules relating to life insurance companies subject to tax under Subch. L (Dufy/Blumkin—TLC-Pike).	LR—1/15/82 Draft of notice ret'd. to LR for revision.
§ 1502—LR-1386	Inc. Tax—Part 1—Consolidated return regs.—Revision of regs. re. accumulated earnings tax (Whedbee/Blumkin—TLC-McCarty).	CC: IND—7/9/68 Notice pub.; 9/12/68 Hrg. held; 8/25/71 Notice withdrawn; 5/14/79 Rev. notice pub.; 10/3/79 Hrg. held; 5/12/82 Draft of T.D. to CC: IND.
§ 1502—LR-256-79	Inc. Tax—Part 1—Consolidated return/Accumulated earnings tax—Earnings and profits when personal holding company is a member (Whedbee/Blumkin—TLC-McCarty).	CC: IND—5/12/82 Draft of notice to CC: IND.
§ 1502—LR-29-76	Inc. Tax—Part 1—To reflect amdmts. of consoldated return regs. to reflect Merchant Marine Act of 1970 concerning Merchant Marine and Fisheries Capital Construction Funds (Duffy/Blumkin—TLC-Pike).	LR—Notice pending Treas. review.
§ 1502-32—LR-113-77 RFA	Inc. Tax—Part 1—Consolidated return regs.—Investment adjustments (Weinstein/Blumkin—TLC-McCarty).	LR In LR for prep of notice (Draft regulatory analysis required; not yet prepared.)
§ 1502-42—LR-108-80	Inc. Tax—Part 1—To modify the percentage bad debt deduction for thrift institutions that file consolidated returns (Kissel/Blumkin—TLC-Pike).	TLC and T:C—1/30/81 Notice pub.; 9/19/81 Hrg. held; 2/3/82 Draft of T.D. to TLC & T:C.
§ 1502-45—LR-75-79	Inc. Tax—Part 1—At risk limitations of sec. 465 (Weinstein/Blumkin—TLC-McCartly/Levinson).	TLC—12/27/79 Rev. draft of notice to TLC.
§ 1504(c)(2)—LR-18-82	Inc. Tax—Part 1—Consolidated returns under § 1502 to be filed by life-nonlife groups (TRA 1976, § 1507) (Duffy/Blumkin—TLC-Pike).	LR—6/8/82 Notice pub.
§ 1502-76, etc.—LR-216-79	Inc. Tax—Part 1—Filing of separate returns for period not included in a consolidated return (Kissel/Blumkin—TLC-McCarty).	LR—Notice pending Treas. review.
§ 1504—LR-189-77	Inc. Tax—Part 1—Includibility in an afiliated group of subsidiaries formed to comply with foreign laws (Swift/Whedbee—TLC-Wold/Lainoff).	LR—Notice pending Treas. review.
§§ 1563(a)(2), 50B, 52, 414(c)—LR-35-82	Inc. Tax—Part 1—To reflect the U.S. Supreme Court in *U.S. v. Vogel Fertilizer Co.*, holding that each member of stockholder group must own stock in each brother-sister corp. for purposes of 80 percent test (Pearson/Whedbee—TLC-Pike).	TLC and EP: EO—3/23/82 Draft of notice to CC:C, EP:EO and TLC; 4/22/82 Comments from CC:C.
§§ 2001, 2010, 2011, 2012(a), (e), 2013(b), (e)(1), 2014(b)(2), 2035, 2038(a), 2044, 2052, 2101, 2102, 2104, 2106, 2206-2207, 2502, 2504, 2505, 2521, 6018—LR-212-76.	Est. and Gift Taxes—Parts 20 and 25—Unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions (TRA 1976, § 2001; Technical Corrections Act 1979, § 107(a)(1)(F); ERTA 1981, §§ 401, 402, 424) (Grundeman/Smith—TLC-Woodward/Levinson).	LR—10/7/81 Draft of notice ret'd to LR for revision.
§§ 2031, 2512—LR-85-80	Est. and Gift Taxes—Part 20 and 25—Revision of interest rate assumptions for actuarial purposes (Zyskind/Smith).	LR—In LR for prep of notice.
§§ 2032A, 2013(f), 1016(c), 1040—LR-209-81.	Est. Tax—Part 1—Valuation of certain farm, etc. real property (TRA 1976, § 2003 (a), (c); RA 1978, § 702; ERTA 1981, § 421) (Grundeman/Smith).	LR—In LR for prep of notice.
§§ 2036(a)—LR-181-76	Est. & Gift Taxes—Parts 20 & 25—Inclusion of stock in estate where decedent retained voting rights (TRA 1976; RA 1978, § 702 (i)) (Harman/Smith-TLC-Woodward/Levinson).	LR—Notice pending Treasury review.
§ 2040(b)—LR-180-76	Est. Tax—Part 1—Property held jointly by husband & wife (TRA 1976, § 2002(c), (d) (3); ERTA 1981, § 403 (c)) (Zyskind/Waltuch-TLC-Woodward/Levinson).	LR—10/8/81 Draft of notice ret'd. to LR for revision.
§§ 2055(e), 2522, 170—LR-259-74	Est. & Gift Taxes—Parts 20 & 25—Disallowance of Charitable deduction—Extension of time within which to amend governing instruments in order to qualify as a charitable remainder annuity trust, unitrust or pooled income fund (P.L. 93-483, § 3; P.L. 94-455, § 13.04(a); RA 1978, § 514 (a), (b); Technical Corrections Act 1978, § 105(a) (4)) (Grundeman/Smith-TLC-Baneman/Levinson).	LR—12/19/75 Notice pub.; 3/30/76 Hrg. held; T.D. Pending Treasury review.
§ 2055—LR-210-81	Est. Tax—Part 20—Treatment of certain contributions of works of art, etc. (ERTA 1981, § 423) (Coplan/Smith).	LR—In LR for prep of notice.
§§ 2056, 2044, 2207A, 2519, 2523—LR-211-76.	Est. & Gift Taxes—Parts 20 & 25—Increase in limitations on marital deductions (TRA 1976, § 2001 (a), (b), (d), 2006(a); RA 1978, § 702(g); ERTA 1981, § 403 (a), (b), (d)) (Harman/Waltuck—TLC-Woodward/Levinson).	TLC—2/26/82 Rev. draft of notice to TLC
§ 2056(b)(7)—LR-108-82	Est. Tax—Part 22—Temp. Regs.—Qualified terminable interest treatment (ERTA 1981, § 403(d)) (Harman/Waltuck—TLC-Woodward).	LR—In LR for prep of T.D.
§ 2503—LR-211-81	Gift Tax—Part 25—Increase in annual gift tax exclusion and the unlimited exclusion for certain transfers (ERTA 1981, § 441) (Alexander/Smith).	TLC & CC:IND—2/25/82 Draft of notice to TLC & CC:IND.
§ 2518(c)—LR-212-81	Gift Tax—Part 25—Certain transfers treated as a qualified disclaimer (ERTA 1981, § 426) (Zyskind/Waltuck).	LR—In LR for prep of T.D.
§§ 2518, 2045, 2041, (a)(2), 2055(a), 2056, 2504—LR-213-76.	Est. & Gift Taxes—Parts 20 & 25 Disclaimers (TRA 1976, § 2009(b); RA 1978, § 702(m))(Waltuck/Smith—TLC-Jewett).	Treasury—7/22/80 Notice pub.; 11/18/80 Hrg. held; 6/8/82 T.D. to Treasury for formal approval.
§§ 2601-2603—LR-178-76	Tax on certain generation-skipping transfers—Part 26—Imposition & amount of, and liability for, tax (TRA 1976, § 2006(a)) (Waltuck/Smith—TLC-Woodward/Levinson).	LR—In LR for prep of notice.
§§ 2611-2614—LR-205-76	Est. & Gift Tax—Part 26—Tax on certain generation-skipping transfers—Definitions and special rules (TRA 1976, § 2006(a); Technical Corrections Act 1979, § 107(a)(2)(B)) (Waltuck/Smith—TLC-Woodward/Levinson).	LR—1/2/81 Notice pub.; 5/20/81 Hrg. held; 4/15/82 Draft of T.D. to CC:IND; 5/20/82 Comments from CC:IND.
§ 2621—LR-234-79	Est. & Gift Tax—Part 26—Generation-skipping transfers tax return requirement, etc. (TRA 1976, § 2006(a)) (Waltuck/Smith—TLC-Woodward/Levinson).	LR—8/5/80 Notice pub.; 11/5/80 Hrg. held; T.D. Pending Treasury review.
§§ 2622, 2013(g), 691(c), 303(d)—LR-202-76.	Inc. Tax—Est. Tax—Parts 1, 20, 26—Tax on certain generation-skipping transfers—Misc. provisions relating to generation-skipping transfers (TRA 1976, § 2006(a)) (Waltuck/Smith—TLC-Woodward/Levinson).	LR—In LR for prep of notice.

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1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 3121(t)—LR-35-78	Empl. Tax—Part 31—Soc. sec. tax on employers of individuals who receive income from tips (Soc. Sec. Amdmts. of 1977, § 315) (Baughman/Bromell—TLC-Hevener/Levinson).	LR—Notice pending Treasury review.
§§ 3121, 3231—LR-23-82	Empl. Tax—Part 31-To require withholding of FICA & RRTA from certain payments of sick pay (Act of 12/29/81, § 3) (P.L. 97-123)) (Olson/Coulter—TLC-Hevener/Levinson).	LR—7/6/82 Notice pub.
§§ 3201, 3231—LR-196-81	Empl. Tax—Part 31—Increase in railroad retirement tax and clarification of definition of compensation (ERTA 1981, §§ 741, 743) (Kroupa/Coulter).	LR—In LR for prep of notice.
§ 3231(a)—LR-38-80	Empl. Tax—Part 31—To clarify the definition of "employer" for purposes of RRTA (Tolleris/Coulter—TLC-Pike/Levinson).	INTERP—In Interp for prep. of notice.
§ 3401(a)-1, (b)—LR-74-77	Empl. Tax—Part 31—To modify requirements with respect to sick pay (TRA 1976, § 505) (Wold/Coulter—TLC-Hevener).	CC:EE, CC:Ind, TLC—2/12/82 Notice pub.; 5/17/82 Draft of T.D. to CC:IND, CC:EE, CC:Interp; 5/25/82 Comments from CC:I; 7/9/82 Draft of T.D. to TLC.
§ 3402—LR-197-81	Empl. Tax—Part 31—Withholding (ERTA 1981, § 101(e)) (Wold/Coulter—TLC-Lerman)	TLC—10/27/81 Notice pub.; 3/16/82 Draft of T.D. to TLC and CC:IND; 3/19/82 Comments from CC:IND.
§§ 3402(q), 6011—LR-188-80	Empl. Tax—Part 31—To require recipient of certain gambling winnings to furnish information regarding aggregation of other winnings (MacMaster/Coulter—TLC-Keyser).	TLC, ACC (Lit) CC:I, CC:Ind9/23/81 Notice pub.; 1/20/82 Hrg. held 7/13/82 Draft of T.D. to TLC, ACC (Lit) CC:I, CC:Ind.
§§ 4041(b), 4063, 4081, 4093, 4221, 6416—LR-173-78.	Exec. Tax—Various amdmts. under the Energy Tax Act of 1978; §§ 221, 222, 231, 232, 233, 404; Rev. Act of 1978, § 701(ff); Technical Corrections Act 1979, § 108(c)(5)) (Alexander/Waltuch—TLC-McCArty/Schuldinger).	TLC—1/2/81 Notice pub.; 5/18/82 Rev. draft of T.D. to TLC.
§§ 4041(k), 4081(c), 6427(f)—LR-84-80	Mfgrs. & Rtlrs. Exc. Tax—Part 48—Exemption from motor fuels excise tax for certain alcohol fuels (Crude Oil Windfall Profit Tax Act 1980, § 232) (Clark/Smith—TLC-Schuldinger/Levinson).	Cmmr.—9/28/81 Notice to Cmmr. for formal approval.
§§ 4041, 4042, 4054, 4058—LR-2118	Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Alexander/Saverude—TLC-Schuldinger/Levinson).	LR—10/22/870 Notice pub.; 4/8/81 Hrg. held FT.D. pending Treas. review.
§§ 4061, 4063—LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Zysking/Waltuch—TLC-Pike/Levinson).	Treas.—10/13/81 Notice to Treas. formal approval.
§ 4064—LR-205-78	Exc. Tax—Part 48—Gas guzzler tax (Energy Tax Act 1978, § 201) (Ginsburgh/Woo—TLC-Schuldinger/Levinson).	LR 2/8/80 Notice pub.; 6/19/80 Hrg. held T.D. pending Treas. review.
§§ 4071(a) (1), (2), (d)(1), (f), 6416(b) (1), (2), (G), (d)(3), 6511(i)—LR-28-81.	Mfgrs. & Rtlrs. Exc. Tax—Part 48—Excise tax refund in cases of certain uses of tread rubber and adjustments pursuant to warranty (P.L. 96-598; (P.L. 96-596; § 4 (Alexander/Smith—Pike/Levinson).	LR—In LR for prep of notice.
§ 4071—LR-180-81	Mfgrs. & Rtlrs. Exc. Tax—Part 48—Relating to recapped or retreaded tires (Wilson/Sheldon)	Interp.—In Interp for prep of notice.
§§ 4081-4084, 4091-4092, 4101, 4102—LR-2117.	Exc. Tax—Applicable to gasoline and lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Clark/Saverude—TLC-Levinson).	Treas.—1/6/81 Notice to Treas. for formal approval.
§§ 4611, 4612, 4661, 4662—LR-16-81	Exc. Tax—Part 52—Environmental taxes—Imposition of taxes on petroleum and certain chemicals (P.L. 96-510, § 211) (Clark/Smith—TLC-Yecies/Levinson).	TLC—6/8/82 Rev. draft of notice to TLC.
§§ 4681, 4682—LR-341-81	Exc. Tax—Part 52—Environmental taxes—Imposition of tax on hazardous wastes (P.L. 96-510, § 231) (Clark/Smith).	LR—In LR for prep of notice.
§§ 4986-4997—LR-48-80	Exc. Tax—Part 51—Implementing the Crude Oil Windfall Profit Tax Act 1980 (Charnas/Bromell—TLC-Schuldinger/Levinson).	Cmmr.—4/4/80 Notice pub.; 7/16/80 Hrg. held; 11/5/80 Rev. notice pub.; 12/11/80 2d Rev. notice pub.; 1/19/81 3d Rev. notice pub.; 2/3/81 4th Rev. notice pub.; 6/18/81 Hrg. held; 7/26/82 T.D. to Cmmr. for formal approval.
§§ 4986-4998—LR-225-81	Exc. Tax—Part 51—Issues arising where multiple parties share in production, including unitizations, partnerships, trusts and estates (Charnas/Bromell).	LR—In LR for prep of notice.
§ 4987—LR-227-81	Exc. Tax—Part 51—Definition of oil removed from the premises (Baughman/Bromell—TLC-Schuldinger).	TLC—7/14/82 Draft of notice to TLC.
§§ 4987, 4991—LR-224-81	Exc. Tax—Part 51—Definition of newly discovered oil (Ginsburgh/Bromell—TLC-Schuldinger/Levinson).	Commr.—7/26/82 Notice to Commr. for formal approval.
§ 4989-1(c)—LR-152-80	Exc. Tax—Part 51—To provide rules relating to base prices of tier 2 & tier 3 oil removed after 9/30/80 (Crude Oil Windfall Profit Tax Act 1980) (Stevenson/Bromell—TLC-Schuldinger/Levinson).	TLC—9/30/80 Notice pub.; 11/14/80 Rev. notice pub. 3/3/81 Hrg. held; 3/31/82 Draft of T.D. to TLC. Draft regulatory analysis prepared.
§ 4989-1(c)(2)—LR-142-80	Exc. Tax—Part 51—To clarify the interim rule for determining base prices for tier 2 and tier 3 oil (Crude Oil Windfall Profit Tax Act 1980) (Charnas/Bromell—TLC-Schuldinger/Levinson).	LR—9/24/80 Notice pub. In LR for prep of T.D.
§§ 4991, 4994, 4995—LR-313-81	Exc. Tax—Part 51—Exempt royalty oil (ERTA 1981, § 601 (b)) (Haglund/Woo—TLC-Schuldinger/Levinson).	LR—3/3/82 Notice pub.; 7/13/82 Hrg. held.
§ 4991—LR-226-81	Exc. Tax—Part 51—With respect to the definition of taxable crude oil (Charnas/Bromell—TLC-Schuldinger).	LR—5/26/82 Notice ret'd. to LR for revision.
§§ 4991, 4992, 4994—LR-217-81	Exc. Tax—Part 51—Exempt stripper well oil (ERTA 1981, § 603) (Schmalz/Woo—TLC-Schuldinger).	TLC, CC:C, CC:I—6/18/82 Rev. draft of notice to TLC, CC:C, CC:I.
§ 4991(e)—LR-228-81	Exc. Tax—Part 51—Tax consequence of mixing heavy oil with other oil (Kroening/Bromell)	LR—In LR for prep of notice.
§ 4992(e)—LR-66-80	Exc. Tax—Part 51—Independent producer oil allocations within a related group under the Crude Oil Windfall Profit Tax Act 1980 (Baughman/Woo—TLC-Schuldinger/Levinson).	LR—Notice pending Treas. review.
§ 4993—LR-67-80	Exc. Tax—Part 51—Incremental tertiary oil (Crude Oil Windfall Profit Tax Act 1980) (Stevenson/Bromell—TLC-Schuldinger).	LR—5/21/82 Notice ret'd. to LR by TLC for revision.
§ 4994—LR-69-80	Exc. Tax—Part 51—Exemptions for qualified governmental interests, qualified charitable interests (including residential child care agencies), Indian oil, Alaskan oil, and exempt royalty oil (COWPTA 1980, § 101(a); ERTA 1981, §§ 601(b), 604) (Schmalz/Bromell—TLC-Schuldinger).	LR—In LR for prep of notice.
§ 4994(c)—LR-68-80	Exc. Tax—Part 51—Exempt front-end oil under the (Crude Oil Windfall Profit Tax Act 1980) (Charnas/Bromell——TLC-Schuldinger/Levinson).	LR—12/5/80 Notice pub.; 2/24/81 Hrg. held; T.D. pending Treas. review.
§ 4995—LR-71-80	Exc. Tax—Part 51—Withholding and depositing of windfall profit tax (Charnas/Bromell—TLC-Schuldinger/Levinson).	Commr.—4/25/80 Notice pub.; 7/16/80 Hrg. held; 7/26/82 T.D. to Commr.; for formal approval.
§ 4996—LR-34-82	Exc. Tax—Part 51—Definition of property under the Crude Oil Windfall Profit Tax Act 1980 (Charnas/Bromell—TLC-Schuldinger).	TLC—3/31/82 Draft of notice to TLC.
§ 4996—LR-38-82	Exc. Tax—Part 51—Amendment of § 51.4996-1(b) with respect to the treatment of net profits interests for windfall profits tax purposes (Windfall Profit Tax Act 1980) (Charnas/Bromell).	LR—In LR for prep of notice.
§ 4997(b)—LR-72-80	Exc. Tax—Part 51—Changes in the application of Department of Energy regulations for purposes of the (Windfall Profit Tax Act 1980) (Charnas/Bromell).	LR—In LR for prep of notice.
§ 6001—LR-133-78	Inc. Tax—Part 1—Conditions under which books and records of controlled foreign corps. and orgs. will be required to be maintained in the U.S. (Bouma/Saverude—ITC-Shay/Lainoff).	LR—1/23/81 Notice pub.; 10/6/81 Hrg. held.
§§ 6001-6427, 4161, 4181—LR-2115	Exc. Tax—Part 52—Sporting goods and firearms & admin. provs. of special application to Mfgrs. and Rtlrs. Exc. Tax (Exc. Tax reduction Act of 1965 and other subsequent legislation through Rev. Act 1971) (Alexander/Harman/Clark/Waltuch—TLC-Hutton/Levinson).	LR—Notice pending Treas. review.
§ 6013 (g), (h)—LR-71-79	Inc. Tax—Part 1—To clarify the relationship of the joint return election and tax treaties (/Saverude—ITC-Lainoff/Schreyer).	LR—9/12/80 Notice pub.—3/23/82 T.D. ret'd. to LR for revision.
§ 6015—LR-199-81	Inc. Tax—Part 1—Declaration of estimated tax exception (ERTA, § 725) (Magnatta/Coulter)	TLC—12/1/81 Draft of notice to TLC & T:I; 1/6/82 Comments from T:I.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 6039—LR-49-80	Inc. Tax—Part 1—To conform the regs. to amdmts. made by sec. 7 of P.L. 98-167 (Discontinuance of option reports) (Bosco/Parcell—TLC-Hevener).	LR—T.D. Pending Treasury review.
§ 6045—LR-148-80	Inc. Tax—Part 1—Information returns on barter transactions (Roth/Parcell—TLC-Hutton/Levinson).	LR—Notice pending Treas. review.
§§ 6075, 2501-2502, 2512, 2513, 2522, 1015, 6019, 6212(c)—LR-213-81.	Gift tax—Part 25—Time for payment of gift taxes (ERTA 1981, § 442) (Zyskind/Waltuch)	ACC(T), ACC(Lit), CC:I, etc.—7/28/82 Draft of notice to ACC(T), ACC(Lit), CC:I.
§ 6081—LR-232-79	Inc. Tax—Part 1—Extension of time for filing returns (Bosco/Parcell)	CC:I, ACC(Lit)—6/8/82 Draft of T.D. to CC:I, ACC(Lit), CC:Ind.; 7/2/82 Comments from CC:Ind.
§ 6103(l)(2)—LR-3-81	Proc. & Admin.—Part 301—To authorize additional disclosures of returns and return information (Dickinson—TLC-Reinhold).	LR—7/19/82 Notice approved by Commr.
§ 6103(c)—LR-48-82	Proc. & Admin.—Part 301—Disclosure of returns and return information to designees of taxpayers (Dickinson).	LR—4/16/82 Notice ret'd. to LR.
§ 6103—LR-111-81	Proc. & Admin.—Part 301—Disclosure of return information to Bureau of the Census (Dickinson).	LR—7/27/82 T.D. 7824 approved by Treas.
§§ 6154, 6655—LR-140-78	Inc. Tax—Part 1—Payment of estimated tax by corporations (/Coulter—TLC-Hutton)	INTERP—In Interp for prep of notice.
§§ 6166, 6166A—LR-210-76	Exc. Tax—Part 20—Proc. & Admin.—Part 301—Deferral and installment payment of estate tax (TRA 1976, § 2004(a); ERTA 1981, § 422) (Zyskind/Smith—TLC-Woodward/Levinson).	LR—Notice pending Treas. review.
§ 6302—LR-2-82	Inc. Tax—Part 1—To require deposit of estimated tax by individuals (Tolleris/Coulter)	LR—7/23/82 Notice pub.
§§ 6324A, 2294(c)—LR-209-76	Est. Tax—Proc. & Admin.—Parts 20 & 301—Special lien for estate tax deferred under secs. 6166 & 6166A (TRA 1976, § 2004(d)) (Zyskind/Smith—TLC-Woodward/Levinson).	LR—Notice pending Treas. review.
§ 6324—LR-201-76	Est. Tax—Proc. & Admin.—Parts 20 & 301—Special lien for additional estate tax attributable to farm, etc. valuation (TRA 1976, § 2003(b)) (Grundeman/Smith—TLC-Woodward/Levinson).	LR—5/24/82 Notice pub.
§ 6325-1(b)(1)(i)—LR-90-80	Est. Tax—Part 20—Transfer certificates in nonresident estates (Alexander/Smith—TLC-Lainoff).	Treas.—6/24/81 Notice Pub.; 6/15/82 T.D. to Treas. for formal approval.
§ 6331-1—LR-160-81	Proc. & Admin.—Part 301—To provide for service of notice of levy by mail (Alexander/Smith—TLC-Hutton/Levinson).	CC:Ind—2/26/82 Notice pub.; 6/22/82 Draft of T.D. to CC:I, CC:Ind.; 7/19/82 Comments from CC:I.
§ 6402(c)—LR-189-81	Proc. & Admin.—Part—301—To provide regs. relating to offset of past-due support against overpayments (Omnibus Reconciliation Act 1981, § 2331(b)) (Thompson/Saverude—TLC-Hutton).	LR—2/8/82 Notice pub.
§ 6411—LR-45-79	Inc. Tax—Part 1—Tentative refund of tax under claim of right adjustment (Rev. Act 1978, § 504) (Weinstein/Whedbee—TLC-Hutton/Levinson).	INTERP—In Interp for prep of notice.
§ 6501—LR-204-78	Inc. Tax—Part 1—Limitations on assessments and collection; To conform to sec. 212, RA 1978 (P.L. 95-600) (Stevenson/Francis—TLC-Hutton/Levinson).	LR—Notice pending Treas. review.
§ 6511—LR-94-80	Proc. & Admin.—Part 301—To conform changes made by P.L. 95-628, § 8(a), relating to period of limitations for credit or refund with respect to net operating loss or capital loss carryback (Roth/Parcell—TLC-Yecies/Levinson).	LR—T.D. pending Treas. review.
§§ 6601(j), 6161 (a), (b), 6163(b), 6503(d), 7403(a), 2011(c)(2), 2204(a), (b)—LR-198-76.	Est. Tax—Proc. & Admin.—Parts 20 and 301—Misc. procedural amendments relating to estate tax (TRA 1976, § 2004 (b), (c), (f); RA 1978, § 702(p)) (Stevenson/Bromell—TLC-Woodward/Levinson).	LR—Notice pending Treas. review.
§ 6621—LR-245-81	Inc. Tax—Part 1—Change in rate of interest on underpayments and underpayments of tax to reflect 100 percent of prime rate adjusted annually (ERTA 1981, § 711) (Rosenthal/Parcell—TLC-McCarty).	Treas.—7/1/82 T.D. to Treas. for formal approval.
§ 6652—LR-153-81	Inc. Tax—Part 1—Penalties for failure to make returns or furnish statements (as amended by sec. 1123 of Subtitle C of Title II—Omnibus Reconciliation Act of 1980 (Dean/Renfroe—ITC-Lainoff/Schreyer).	CC:C—5/18/82 Draft of notice to CC:C & CC:I; 6/16/82 Comments from CC:I.
§ 6652(g)—LR-115-82	Inc. Tax—Part 6A—Temp. Regs.—Penalties for failure to make returns or furnish statements required under sec. 6039C (FIRPTA 1980, § 1123) (Dean/Renfroe).	CC:C, CC:IND, TLC—5/18/82 Draft of T.D. to to CC:C & CC:IND; 7/9/82 Draft of T.D. to TLC.
§ 6655(h)—LR-9-81	Inc. Tax—Part 1—Payment by large corps. of 60 percent of current year tax (Omnibus Reconciliation Act of 1980, § 1111; ERTA 1981, § 731) (Magnatta/Coulter—TLC-Hutton/Levinson).	TLC—5/17/82 Rev. draft of notice to TLC and CC:IND; 6/16/82 Comments from CC:I.
§ 6656(b)—LR-311-81	Proc. & Admin.—Part 301—Penalties for overstatement of deposits (ERTA 1981, § 724) (Kadue/Saverude—TLC-McCarty).	LR—5/26/82 Notice pub.
§§ 6659, 6653—LR-272-81	Proc. & Admin.—Part 301—Addition to tax in the case of valuation overstatements, and increase in the negligence penalty (ERTA 1981, § 722) (Bennett/Parcell—TLC-McCarty/Levinson).	LR—Notice ret'd. to LR for revision.
§§ 6682, 7205—LR-194-81	Empl. Tax—Part 31—Penalties for false information with respect to withholding (ERTA 1981, § 721) (Wold/Coulter—TLC-McCarty/Levinson).	Treas.—2/18/82 Notice to Treas. for formal approval.
§ 6682—LR-343-81	Inc. Tax—Part 30—Temp. Regs.—False information with respect to withholding (ERTA 1981, § 721) (Wold/Coulter—TLC-McCarty).	Treas.—2/18/82 T.D. to Treas. for formal approval.
§ 7502—LR-1406	Proc. & Admin.—Part 301—Amendment of regs. relating to the timely mailing to deposits (P.L. 90-364, § 106) (Roth/Parcell—TLC-Yecies/Levinson.	LR—12/11/70 Notice pub.; T.D. pending Treas. review.
§§ 7609, 7610—LR-164-76	Proc. & Admin.—Part 301—Administrative summons (TRA 1976, § 1205) (Keesler/Parcell—TLC-Hutton/Levinson).	Treas.—8/21/80 Notice pub.; 5/18/82 T.D. to Treas. for formal approval.
§ 7701—LR-232-78	Proc. & Admin.—Part 301—Classification of entities organized under Uniform Limited Partnership Act, as revised in 1976 (Haglund/Francis—TLC-Gallagher/Levinson—ITC-Shay/Lainoff).	CC:IND, CC:Interp.—10/27/80 Notice pub.; 5/18/82 Draft of rev. notice to CC:IND, CC:Interp.
§ 7701—LR-57-80	Proc. & Admin.—Part 301—To modify the application of the classification rules to limited liability companies (Baughman/Francis—TLC-Gallagher/Koppelman—ITC-Shay/Lainoff).	LR—11/17/80 Notice pub.
LR-149-75	Inc. Tax—Part 3—Maritime Capital Construction Fund (P.L. 91-469, § 601, Merchant Marine Act, 1936) (Duffy/Blumkin).	LR—1/29/76 Notice pub; 7/7/76 Hrg. held; In LR for prep of T.D.
LR-202-81	Inc. Tax—Part 5c—Temp. Regs.—Amortization deduction for motor carrier operating authority (ERTA 1981, § 266) (Coplan/Smith—TLC-Woodward/Levinson).	TLC—7/12/82 Final draft of T.D. to TLC.
LR-203-81	Inc. Tax—Part 1—Amortization deduction for motor carrier operating authority (ERTA 1981, § 266) (Coplan/Smith—TLC-Woodward).	TLC—7/12/82 Draft of notice to TLC.
LR-91-82	Statement of Procedural Rules—Amendments to 1981-2 (Pellervo/Whedbee)	CC:C, CC:I, CC:D, etc.—6/11/82 Discussion draft to CC:C, CC:I, CC:D, etc.; 7/2 Comments from OP:EX; 7/6/82 Comments from CC:Ind.
LR-248-79	Statement of Procedural Rules—1979-2 Periodic Amendments (Weinstein/Whedbee—TLC)	EP:EO, OP:EX, CC:C, CC:I—6/30/82 Rev. draft to EP:EO, OP:EX, CC:C, CC:I.
LR-25-81	Statement of Procedural Rules—Part 601—To provide for consolidated appeals hearings with respect to certain adjusments to windfall profit tax liability (Stevenson/Francis—TLC-Schuldinger/Levinson).	LR—5/18/82 Ret'd. to LR for prep. of final draft of regs.
LR-13-81	Statement of Procedural Rules—Part 600—Conferences in criminal tax cases (Weinstein/Whedbee).	CC—2/23/82 To CC for formal approval.
LR-120-81	Statement of Procedural Rules—Part 601—To provide for the Centralized Authorization File (CAF) (Swift/Whedbee—TLC-Hevener).	LR—3/31/82 SPR published; 7/21/82 Final draft fwd.
LR-20-81	Statement of Procedural Rules—Part 601—Periodic revisions for 1982 parts 1 and 2 (Pearson/Whedbee—TLC).	CC:D, OP:CI—6/17/82 Final draft to CC:D, OP:CI, FO, etc.; 6/30/82 Comments from FO.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
LR-154-81	Statement of Procedural Rules—Part 601—Amendments to Statement of Procedural Rules—1981-1 (Stanley/Whedbee).	ACC(T)—7/20/82 Fwd to ACC(T).

PART II—REGULATIONS UNDER DEVELOPMENT BY THE EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS DIVISION

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§§ 44G, 404(i), 409A, 46(a)(2)—EE-151-81	Inc. Tax—Part 1—Employee stock ownership plans (ERTA 1981, §§ 331, 332) (Khil/Horowitz).	EE—In EE for prep of notice.
§ 46—EE-1-78	Inc. Tax—Part 1—Employee stock ownership plan requirements of Obtaining up to additional ½ percent investment credit (TRA 1976, § 803(d)) (Horowitz/Thrasher—TLC-Oppenheimner.	Treas.—8/17/79 Notice pub. 3/24/82 T.D. to Treas. for formal approval.
§§ 46, 401(a)—EE-4-78	Inc. Tax—Part 1—Misc. provisions relating to employee stock ownership plans (TRA 1976, § 803(b)(2), (3), (c) and (d) (Horowitz/Thrasher—TLC-Oppenheimer).	Treas.—1/19/79 Notice pub. 6/28/79 Hearing Held 3/24/82 T.D. to Treas. for formal approval.
§§ 62, 219, 220, 404(h), 408, 409, 2503, 3121, 3306, 4973, 4974, 6693—EE-7-78.	Inc. Tax—Part 1—Gift Tax—Part 25, Employment Taxes—Part 31, Retirement Income Plan Excise Taxes—Part 54, Procedure and Administration—Part 301—Spousal Individual Retirement Accounts Simplified Employee Pensions, and Individual Retirement Account Technical Changes Act § 2002(a), (ERISA of '74 (P.L. 93-406), §§ 15.01 and 1503, TRA of '76 (P.L. 94-455) §§ 152, 156(c), 156(d), and 157, Rev. Act of '78 (P.L. 95-600), §§ 101(a)(10), 101(a)(14)(A), 101(a)(14)(B), and 101(a)(14)(E)(ii), Tech. Corr. Act of '79 (P.L. 96-222) (Gibbs/Wickersham—TLC-Oppenheimer/Levinson).	EE—7/14/81 Notice pub. In EE for prep. of T.D.
§ 72—EE-44-80	Inc. Tax—Part 1—Clarification of the Income Tax Regulations with respect to the taxation of distribution from qualified plans providing life insurance protection (Watkins/Wickersham—TLC-Oppenheimer).	EE—12/4/81 Prelim. draft of notice to E:A 5/14/82 Comments fm E:A.
§§ 72(o), (m), 405(d)(3), 401(d)(5)—EE-149-81.	Inc. Tax—Part 1—Certain distributions, contributions, etc. (ERTA '81, §§ 311(b), 312(e), 313, 314(a)) (Watkins/Wickersham).	EE—In EE for prep of notice.
§§ 120, 501(c)(20)—EE-5-78	Inc. Tax—Part 1—Prepaid legal expenses (TRA 1976, § 2134) (Kerby/McGovern—TLC-Hevener.	EE—4/29/80 Notice pub. 9/4/80 Hrg. held. 1/6/81 Prelim. draft of T.D. to TLC & E 1/30/81 Comments fm E 9/10/81 Comments fm TLC.
§ 125—EE-16-79	Inc. Tax—Part 1—Tax Treatment of Cafeteria Plans (Rev. Act of '78, § 134) (Beker/Thrasher—TLC-Oppenheimer/Hevener).	TLC & E:A—4/15/80 Rev'd prelim. draft of notice to TLC and E:A—12/17/81 Comments fm. E:A 2/24/82 2nd Rev'd prelim. draft of notice to TLC and E:A.
§§ 127, 3121(a)(18), 3401(a)(18), 3306(b)(13)—EE-178-78.	Inc. Tax—Part 1—Educational Assistance Programs (Rev. Act of '78, § 164) (Kerby/McGovern—TLC-Hevener).	EE—11/23/81 Notice pub. 3//24/82 Hrg. held In EE for prep of T.D.
§ 129—EE-147-81	Inc. Tax—Part 1—Dependent Care Assistance Programs (ERTA 1981, § 124(e)) (Rosenbaum/Kerby—TLC-Reinhold/Levinson).	EE—4/30/82 Revised prelim. draft of notice to CC:IND 5/13/82 Comments from CC:IND.
§§ 219, 402, 408, 409, 415, 2039(c), 2517(b), 6652—EE-148-81.	Inc. Tax—Part 1—Estate Tax—Part 20, Gift Tax—Part 25, Procedure and Administration—Part 301, Retirement savings (ERTA 1981, § 311(a), (c), (d), (f)-(h), 314(b)) (Gibbs/Wickersham—TRC-Oppenheimer).	TLC and E—4/30/82 Prelim. draft of notice to TLC and E.
§§ 401(a), 501(a)—EE-39-78	Inc. Tax—Part 1—Treatment of Puerto Rican retirement plans (P.L. 93-406, § 1022(i)) (Raps/Thrasher—ITC-Lainoff/Levinson—TLC-Hevener).	EE—6/30/82 T.D. to E for formal approval 7/12/82 TD approved by E.
§ 401(a)(2)—EE-133-80	Inc. Tax—Part 1—Refund of Mistaken Contributions (Multiemployer Pension Plan Amendments Act 1980, § 210(b)) (P.L. 96-364) (Johnson/Thrasher—TLC Hevener/Oppenheimer).	EP—7/27/82 Revised prelim draft of notice to EP.
§ 401(a)(5)—EE-8-78	Inc. Tax—Part 1—Comparability of plans for vesting (ERISA, § 1012(b)) (Levontin/Wickersham—TLC-Oppenheimer/Levinson).	E:A—2/7/80 Rev. prelim. draft of notice to E:A.
§ 401(a)(11)—EE-52-78	Inc. Tax—Part 1—Amdmt. of Qualified Joint and Survivor Annuity Regs. (Gibbs/Wickersham/Oppenheimer).	TLC—6/3/82 Prelim draft of notice to TLC and E 7/19/82 Comments from E.
§ 401-4(c)—EE-11-78	Inc. Tax—Part 1—To conform the "High 25 employee rule" to sec. 4022 of ERISA, "guaranteed benefits" (Hoffman/Wickersham—TLC-Hevener/Levinson).	EE—1/26/82 Notice pub. 5/25/82 Prelim. draft of T.D. to E 7/6/82 Comments from E.
§§ 401(k), 402(a)(8)—EE-169-78	Inc. Tax—Part 1—Certain cash or deferred arrangements (Rev. Act of 1978, § 135) (Watkins/Wickersham—TLC-Hevener/Levinson).	EE—11/10/81 Notice pub. 4/20/82 Hearing held in EE for prep of T.D.
§§ 402(a)(2), 402(e), 403(a)(2)(A)(iii), 411(d)(1)—EE-14-78.	Inc. Tax—Part 1—Treatment of certain lump sum distributions (P.L. 93-406, § 2005), (TRA 1976, § 1512) (Levontin/Wickersham—TLC-Oppenheimer/Levinson).	Commr.—4/30/75 Notice pub. 8/12/75 Heading held 8/21/81 T.D. to Commr. for signature.
§§ 402(a)(5), (6), (7), 401(a)(20), 403(a)(4), (a)(5), (b)(1), (b)(8), 404(a)(2), 691(c)(5), 805(d)(1)(c)—EE-15-78.	Inc. Tax—Part 1—Tax-free rollovers of lump sum distributions and plan termination payments. Lump sum distributions made with respect to a decedent (P.L. 94-267; P.L. 95-458, § 4; Rev. Act 1978, §§ 156(a), (b), 157(f), (g), (h)(1); Tech. Corr. Act 1979, § 101(a)(8)(A)) (Levontin/Wickersham—TLC-Oppenheimer/Levinson).	TLC and E—4/1/82 Revised prelim. draft of notice to TLC and E.
§ 403(b)(7)—EE-17-78	Inc. Tax—Part 1—Taxability of beneficiary under annuity purchased by sec. 501(c) organization or public school (P.L. 93-406, § 1022(e); TRA 1976, § 1504) (Becker/Thrasher—TLC-Havener-Levinson).	TLC and E—2/10/78 Notice pub. 12/30/80 Partial rev. notice pub. 6/4/81 Hrg. held 6/23/81 Prelim. draft of T.D. to TLC and E.
§§ 404(a)(1), (a)(6), (a)(7), (a)(3)(A), and (g); 412(c)(2)(A); 413(b)(7) and (c)(6)—EE-141-79.	Inc. Tax—Part 1—Deduction limitations and funding rules for valuing certain agreements (P.L. 93-406, §§ 1013, 1014, 4081(b); P.L. 94-12, § 402) (Beker/Marget—TLC-Oppenheimer/Levinson).	EE—In EE for prep of notice.
§§ 404(a)(10), 415(c)(6)—EE-152-81	Inc. Tax—Part 1—Employee stock ownership plan loan payments (ERTA 1981) (Johnson/Horowitz).	E—6/21/82 Prelim. draft of notice to E.
§ 404(d), (b)—EE-44-79	Inc. Tax—Part 1—Deferred Compensation payments to independent contractors (Rev. Act of 1978, § 133) (Khil/Thrasher—TLC-Hevener/Levinson).	TLC and E—10/19/81 3rd prelim. draft of notice to TLC and E.
§§ 404(e), 401(a)(17), 408(k)(3)—EE-150-81.	Inc. Tax—Part 1—"H.R.10" plan contribution limits, etc. (ERTA 1981, § 312 (Hoffman/Wickersham).	EE—In EE for prep of notice.
§§ 404 (g), 418A—EE-130-80	Inc. Tax—Part 1—Deduction of Employer Liability Payments, Notice of Reorganization and Funding Requirements (Multiemployer Pension Plan Amendments Act 1980, §§ 205, 202) (P.L. 96-364) (Hoffman/Wickersham—TLC-Hevener/Levinson).	E—6/25/82 Revised prelim. draft of notice to E.
§ 404A—EE-14-81	Inc. Tax—Part 1—Deduction for certain foreign deferred compensation plans (Act of Dec. 28, 1980, § 2 (a), (3)) (P.L. 96-603) (Raps/Thrasher—TLC-Hutton/Levinson).	E, CC:C—6/4/82 Prelim, draft of notice to E and CC:C.
§§ 409A, 48, 401, 6699—EE-49-80	Inc. Tax—Part 1—With respect to requirements for ESOPS, Investment Credit ESOPs, and certain other plans holding employer securities (Horowitz/Thrasher-TLC-Oppenheimer/Levinson).	EE—2/24/82 Prelim. draft of Notice (Part II) to TLC and E:A—4/28/82 Comments on Part II rec'd from TLC and E:A.
§ 411(d), (1)—EE-164-78	Inc. Tax—Part 1—Coordination of vesting and nondiscrimination requirements for qualified plans (ERISA, § 1012(a)) (Hoffman/Wickersham—TLC-Oppenheimer/Levinson).	EE—4/9/80 Notice pub. 6/12/80 Partial rev. notice pub. 7/10/80 Hearing held 8/12/80 Prelim. draft of T.D. to TLC and E—10/7/80 Comments fm TLC and E.
§§ 412, 413 (b), (5), (6) (c) (4), (5), 4971 (c) (4)—EE-99-78.	Inc. Tax—Part 1—Excise Tax Regulations—Funding for qualified plans (ERISA, §§ 1013 (a), (1014) (Raps/Marget—TLC-Oppenheimer/Levinson).	EE—2/19/82 Notice Signed by Commr.
§§ 412 (b), (j), (k), 4971 (d), 414 (l), 412 (a), 413 (b) (6)—EE-129-80.	Inc. Tax—Part 1—Pension Excise Taxes Part 54—Miscellaneous Funding Provisions (Multiemployer Pension Plan Amendments Act 1980, §§ 203, 204, 108 (a), (c), (d)) (P.L. 96-364) (Raps/Marget—TLC-Hevener/Levinson).	TLC and E—10/16/81 Prelim. draft of notice to TLC and E.
§ 412 (c) (3)—EE-151-80	Inc. Tax—Part 1—Term, etc. funding for ancillary benefits (ERISA, § 1013 (a), 3 (31)) (Raps/Marget—TLC-Oppenheimer/Levinson).	EE—In EE for prep of notice.
§ 414 (a)—EE-22-78	Inc. Tax—Part 1—Definitions and special rules; Service for predecessor (P.L. 93-406, § 1015) (Levontin/Wickersham—TLC-Oppenheimer/Levinson).	EE—In EE for prep of notice.

PART II—REGULATIONS UNDER DEVELOPMENT BY THE EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 414 (e)—EE-123-80	Inc. Tax—Part 1—Church Plans (Multiemployer Pension Plan Amendments Act 1980, § 407 (b), (c)) (P.L. 96-364) (Painter/Marget—TLC-Hevener/Levinson).	EE—In EE for prep of notice.
§ 414 (f)—EE-131-80	Inc. Tax—Part 1—Definition of multiemployer plan (Multiemployer Pension Plan Amendments Act 1980, § 207) (P.L. 96-364) (Raps/Thrasher—TLC-Hevener/Levinson).	EE—2/18/82/Prelim. draft of notice to E:A 3/23/82 Comments from E:A.
§ 414 (m)—EE-3-81	Inc. Tax—Part 1—Employees of an Affiliated Service Group (Miscellaneous Revenue Act 1980, § 201 (P.L. 96-605); § 5 (P.L. 96-613)) (Levontin/Wickersham—TLC-Oppenheimer-Hevener/Levinson).	Treas.—7/12/82 Notice fwd to Treas for formal approval.
§ 418—EE-124-80	Inc. Tax—Part 1—Reorganization Status (Multiemployer Pension Plan Amendments Act 1980, § 202) (P.L. 96-364) (Kerby-Accettura/Wickersham—TLC-Hevener/Levinson).	EE—In EE for prep of notice.
§ 418B—EE-125-80	Inc. Tax—Part 1—Minimum Contribution Requirement, In General (Multiemployer Pension Plan Amendments Act 1980, § 202 (exc. sec. 418B (b) (3)) (P.L. 96-364) Levontin-Gibbs/Wickersham—TLC-Hevener/Levinson).	EE—In EE for prep of notice.
§ 418B (b) (3)—EE-126-80	Inc. Tax—Part 1—Minimum Contribution Requirement—Special Rule where Cash-Flow Amount Exceeds Vested Benefits Charge (Multiemployer Pension Plan Amendments Act 1980, § 202) (P.L. 96-364) Levontin/Wickersham—TLC-Hevener/Levinson).	EE—In EE for prep of notice.
§ 418C—EE-127-80	Inc. Tax—Part 1—Overburden Credit Against Minimum Contribution Requirement (Multiemployer Pension Plan Amendments Act 1980, § 202) (P.L. 96-364) (Beker/Thrasher—TLC-Oppenheimer).	EE—In EE for prep of notice.
§§ 418D, 418E, 411(a)(3), (4), (d)(6)—EE-128-80.	Inc. Tax—Part 1—Adjustments in Accured Benefits; Insolvent Plans; Related Vesting Provisions (Multiemployer Pension Plan Amendments Act '80, §§ 202, 206) (P.L. 96-364) (Baker/McGovern).	EE—In EE for prep of notice.
§ 457—EE-176-78	Inc. Tax—Part 1—Deferred compensation plans of State and Local Governments (Rev. Act. 1978, § 131) (Kerby/McGovern—TLC-Hevener/Levinson).	Treas.—12/24/80 Notice pub. 5/5/81 Hearing held 4/12/82 T.D. to Treas. for formal approval.
§§ 501(c)(3), 170(c)(2)(B), 2055(a), 2522(a)—EE-53-79.	Inc. Tax—Part 1—Estate Tax—Part 20—Gift Tax—Part 25—Exemption of certain amateur athletic organizations from tax (Tax Reform Act of 1976, § 1313 (K. Johnson/Thrasher—TLC-Yecies/Levinson).	EE—5/10/79 Notice pub. under LR-172-76 10/9/79 Hearing held In EE for prep of T.D.
§ 501(c)(7) and (i)—EE-43-79	Inc. Tax—Part 1—Tax treatment of certain social clubs and prohibition of discrimintation by certain social clubs (P.L. 94-568) (Khil/Thrasher—TLC-Hevener-Levinson).	EE—8/19/81 Notice fwd to Commr. for signature 6/3/82 Notice returned from Commr to EE for rescheduling.
§ 501(c)(12)—EE-17-81	Inc. Tax—Part 1—Rules clarifying the regs. with respect to the computation of "gross income" of an electric cooperative (Levontin/Wickersham—TLC-Hevener/Levinson).	EE—In EE for prep of notice.
§§ 501(c)(12), 514(c)—EE-27-81	Inc. Tax—Part 1—Unrelated trade or business income (Miscellaneous Revenue Act 1980, §§ 106, 110) (P.L. 96-605) (Roberston/McGovern).	EE—In EE for prep of notice.
§501(e)—EE-44-78	Inc. Tax—Part 1—Amdmt. of regs. to reflect the grant of tax exempt status to certain Hospital Service Orgs. (P.L. 90-364, § 109) (Beker/Thrasher—TLC-Hevener/Levinson).	TLC—4/30/82 Revised prelim, draft of notce to TLC and E—5/21/82 Comments fm E.
§ 501(h), 504, 4911, 170(f)—EE-154-78	Inc. Tax—Part 1—Lobbying by public charities (TRA 1976, § 1307 (a), (b)) (G. Baker/McGovern—TLC-Hevener/Levinson).	TLC—1/29/82 Revised prelim. draft of notice to TLC.
§§ 512, 514, 851, 4940—EE-146-78	Inc. Tax—Part 1—Excise Tax—Part 53, Treatment of income from payments with respect to securities loans (P.L. 95-345, §2) (Kerby-McGovern—TLC-Gallagher/Levinson).	EE—2/18/82 Notice approved by E.
§ 513(d)—EE-155-78	Inc. Tax—Part 1—Activities of trade shows and state fairs (TRA 1976, § 1305) (Painter/Thrasher—TLC-Hevener/Levinson).	Treas.—12/9/80 Notice pub. 4/22/81 Hrg held 6/11/82 T.D. to Treas. for formal approval.
§ 513(e)—EE-46-78	Inc. Tax—Part 1—Hospital services not to constitute an unrelated trade or business (TRA 1976, § 1311) (Kerby/McGovern—TLC-Hevener/Levinson).	E—5/28/82 Notice to E for formal approval.
§ 527—EE-6-81	Inc. Tax—Part 1—Relationship between section 527 and the Federal Election Campaign Act (Act of Jan. 3, 1975, § 10 (a)) (P.L. 93-625) (Accettura/McGovern).	EE—In EE for prep of notice.
§ 1379—EE-35-78	Inc. Tax—Part 1—Qualified pension, etc. plans of small business corps. (§ 531, TRA 1969) (Snyder/Kerby—TLC-Oppenheimer/Levinson).	TLC and E—5/6/72 Notice pub. 7/24/72 Conference held. 8/13/80 2nd rev. prelim draft of T.D. to TLC and E.
§ 2039—EE-86-82	Inc. Tax—Part 1—Regs to change election procedures of income tax treatment (Wickersham).	EE—In EE for prep of notice.
§§ 4941, 4942, 4943, 4944, 4945, 4951, 4952, 4971, 4975, 4961, 4962—EE-16-81.	Foundation Excise Tax—Part 53—Procedure and Administration—Part 301—Revision of second tier excise tax provisions, etc. under Chapters 42 and 43 (P.L. 96-596, § 1) (Snyder/McGovern—TLC-Baneman/Levinson).	EE—In EE for prep of notice.
§ 4942—EE-69-80	Foundation Excise Tax—Part 53—Exclusion of future interest from the minimum investment return computation (G. Baker/McGovern—TLC-Baneman/Levinson).	Commr.—1/26/82 Notice pub. 7/16/82 T.D. fwd to Commr. for signature.
§ 4942(d)(1)(j)(3)—EE-153-81	Foundation Excise Tax—Part 53—Definition of "distributable amount" and "qualifying distribution" (ERTA 1981, § 823) (Rosenbaum/Kerby—TLC-Baneman/Levinson).	EE—5/13/82 Notice pub.
§ 4942(g)(2)—EE-156-78	Foundation Excise Tax—Part 53—Private foundation set-asides (TRA 1976, § 1302) (Kerby/McGovern—TLC-Baneman/Levinson).	TLC—8/26/80 Notice pub. 7/8/82 Prelim draft of TD to TLC.
§ 4943—EE-162-78	Foundation Excise Tax—Part 53, Taxes on excess business holdings of private foundations—Effect of reorganizations and corporate distributions (Watkins/Wickersham—TLC-Baneman/Levinson).	TLC—5/22/79 Notice pub. 8/16/79 Partial rev. notice pub. 9/6/79 Hrg. held. 7/8/82 Prelim draft of TD to TLC.
§§ 6033, 6034, 6104, 6652, 6685, 7207—EE-35-81.	Inc. Tax—Part 1—Procedure & Admin.—Part 301—Return and reporting requirements (Act of Dec. 28, 1980, § 1) (P.L. 96-603) (Snyder/McGovern—TLC-Oppenheimer/Levinson).	EE—In EE for prep of notice.
§ 6104(a)—EE-28-78	Proc. and Admin.—Part 301—Inspection of certain information with respect to pensions, profit-sharing, and stock bonus plans (P.L. 93-406, § 1022(g)) (Accettura/McGovern—TLC-Oppenheimer/Levinson).	Treas.—12/30/80 Notice pub. 7/12/82 TD fwd to Treas. for formal approval.
§ 6104(b)—EE-111-80	Proc. and Admin.—Part 301—Public inspection of certain foreign exempt organization returns (Levontin/Wickersham—TLC-Yecies/Levinson).	EE—4/19/82 Prelim. draft of notice to EO and TX:D.
§ 6211—EE-159-78	Proc. and Admin.—Part 301—Deficiency procedures, etc. relating to excise taxes imposed by Chapters 42 and 43 (Watkins/Wickersham—TLC-Jewett/Levinson).	Treas.—8/25/80 Notice pub. 7/8/82 TD fwd to Treas for formal approval.

PART III—REGULATION PROJECTS UNDER WHICH EXISTING REGULATIONS ARE TO BE REVIEWED PURSUANT TO PARAGRAPH 12 OF TREASURY DIRECTIVE 50-04.F

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§§ 3, 4, 144—LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (Rev. Act 1971, §§ 206, 301 (b), (c); TRA 1976, § 501) (Haglund/Saverude—TLC-Lerman/Levinson).	LR—In LR for prep of notice.
§§ 11, 21—LR-33-76	Inc. Tax—Part 1—Corporate tax rates and surtax exemptions (Rev. Adj. Act 1975, § 4; TRA 1976, § 901 (a), (c)(2)) Saverude—TLC.	LR—In LR for prep of notice.
§§ 104(a), (b) 105(d)—LR-159-76	Inc. Tax—Part 1—Changes in exclusion for sick pay and certain military, etc., disability pensions; Certain disability income (TRA 1976, § 505; TR&SA, § 301) (Roth/Parcell).	LR—7/9/80 Notice pub. T.D. Pending Treas. review.
§ 303—LR-124-76	Inc. Tax—Part 1—Distribution in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Pellervo/Blumkin—TLC-Woodward/Levinson).	LR—Notice pending Treas. review.
§ 368(a)(2)(F)—LR-135-76	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Swift/Blumkin)	LR—1/7/81 Notice pub.
§ 512(a)(3)—LR-1744	Inc. Tax—Part 1—Social clubs. Unrelated business income (TRA 1969, § 121(b)(1)) (Mix/Parcell—TLC-Hevener/Levinson).	LR—5/13/71 Notice pub. 8/31/71 Hrg. held.

PART III—REGULATION PROJECTS UNDER WHICH EXISTING REGULATIONS ARE TO BE REVIEWED PURSUANT TO PARAGRAPH 12 OF TREASURY DIRECTIVE 50-04.F—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§§ 584(a)(1), (c)(1) (A) and (B), (c)(2), (e), 6032—LR-133-76.	Inc. Tax—Part 1—Tax treatment of common trust funds (P.L. 94-414, § 1; 94-455; TRA 1976, §§ 2138(a), 1402(b), 1901(b), 2131(d)) (Schreiner/Coulter—TLC-Jewett/Levinson).	CC:C, CC:I—9/22/80 Notice pub. 2/19/81 Hrg. held 4/30/82 Draft of T.D. to TLC—5/4/82 Draft of T.D. to CC:C, CC:I—5/28/82 Comments from CC: TLC—7/22/82 Comments from TLC.
§ 904(b) (2) and (3)—LR-228-76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403(c)(4), 701(c) (2) & (3)) (Feldman/Saverude—ITC-Lainoff/Schreyer).	ITC, CC:C, CC:I—7/9/82 Draft to ITC, CC:C, CC:I.
§ 904(e)—LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks and carryovers of foreign taxes as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Bouma/Saverude—ITC-Lainoff/Schreyer).	Treas.—1/6/82 Notice to Treas. for formal approval.
§ 995—LR-246-76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales and incremental export gross receipts (TRA 1976, § 1101(a), (g) (1) and (5)) (Feldman/Saverude—ITC-Shay/Lainoff).	Treas.—7/22/81 Notice to Treas. for formal approval.
§ 1250—LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2121(b), 2124(a)) (Thompson/Francis—TLC-Yecies).	LR—In LR for prep of notice.
§§ 1491, 1057—LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Kadue/Saverude—ITC-Wold/Lainoff).	ITC & T:C—5/29/81 Draft of notice to ITC and T:C.
§§ 4041, 4042, 4054, 4058—LR-2118	Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Alexander/Saverude—TLC-Schuldinger/Levinson).	LR—10/22/80 Notice pub. 4/8/81 Hrg. held T.D. pending Treas. review.
§§ 4061, 4063—LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Zyskind/Waltuch—TLC-Pike/Levinson).	Treas.—10/13/81 Notice to Treas. formal approval.
§§ 4081-4084, 4091-4092, 4101, 4102—LR-2117.	Exc. Tax—Applicable to gasoline and lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Clark/Saverude—TLC-Levinson).	Treas.—1/6/81 Notice to Treas. for formal approval.
§ 7502—LR-1406	Proc. & Admin—Part 301—Amendment of regs. relating to the timely mailing of deposits (P.L. 90-364, § 106) (Roth/Parcell—TLC-Yecies/Levinson).	LR—12/11/79 Notice pub. T.D. pending Treas. review.

PART IV—REGULATIONS PROJECTS CLOSED BETWEEN MARCH 1, 1982, AND JULY 31, 1982

1954 code section and file number	Subject and drafter and reviewer	Disposition
§ 44E—LR-76-80	Inc. Tax—Part 1—Alcohol used as fuel (Crude Oil Windfall Profit Tax Act of 1980, § 232) (Kroening/Saverude—TLC-Roche/Schuldinger).	Project closed without regulations 3/8/82.
§ 48—LR-228-78	Inc. Tax—Part 1—Definition of new and used sec. 38 property (Swift/Whedbee—TLC-Yecies/Brown).	T.D. published in FR on 6/10/82.
§ 103(c)—LR-102-79	Inc. Tax—Part 1—To simplify the rules relating to arbitrage bonds (Flanagan/Coulter)	Project closed without regulations 3/30/82.
§ 103A—LR-105-82	Inc. Tax—Part 6a—Temp. Regs.—Title 11 of the Omnibus Reconciliation Act of 1980—To modify the regs. relating to mortgage subsidy bonds (Flanagan/Coulter).	T.D. published in FR on 5/24/82.
§ 103A—LR-116-82	Inc. Tax—Part 6a—Temp. Regs.—Title 11 of the Omnibus Reconciliation Act of 1980—To modify the regs. relating to mortgage subsidy bonds of constitutional home rule cities (Flanagan/Coulter).	T.D. published in FR on 6/8/82.
§ 103A—LR-131-82	Inc. Tax—Part 6a—Temp. Regs.—Title 11 of the Omnibus Reconciliation Act 1980—Modification of temp. regs. under § 6a.103A-2(i) to provide that prepayments of principal are deemed to be received semi-annually (Flanagan/Coulter).	T.D. published in FR on 6/29/82.
§§ 263, 404, etc.—EE-56-78	Inc. Tax—Part 1—Capitalization of pension costs and other indirect costs attributable to self-constructed assets (*Comm.* v. *Idaho Power Co.*, 418 U.S. 1 (1974)) (Horowitz/Marget).	Project closed without regulations 6/28/82.
§ 385—LR-126-82	Inc. Tax—Part 1—Relating to change in the effective date (TRA 1969, § 415) (Swift/Blumkin)	T.D. published in FR on 7/2/82.
§ 442—LR-25-82	Inc. Tax—Part 5c—Temp. Regs.—Change of annual accounting period from fiscal year to calendar year (Roth/Parcell—TLC-Hutton).	T.D. published in FR on 4/9/82.
§ 451—LR-273-81	Inc. Tax—Part 5d—Temp. Regs.—Revision of § 1.451-4 relating to long term contracts (Rosenthal/Fischer).	Project closed without regulations 3/16/82.
§ 453—LR-185-80	Inc. Tax—Part 15A—Temp. Regs.—Installment obligations received from a liquidating corp. (Mix/Fischer—TLC-McCarty/Levinson).	Project closed without regulations 6/4/82.
§ 453—LR-187-80	Inc. Tax—Part 15A—Temp. Regs.—Installment obligations received in transactions in which gain or loss is not recognized (Mix/Fischer—TLC-McCarty/Levinson).	Project closed without regulations 6/4/82.
§ 453—LR-1-81	Inc. Tax—Part 15A—Temp. Regs.—Installment obligations received in transactions between related parties (Mix/Fischer—TLC-McCarty/Levinson).	Project closed without regulations 6/4/82.
§ 472-8(e)—LR-267-79	Inc. Tax—Part 1—Proposed revision to dollar-value LIFO regs. to allow small business to use Consumer Price Index (Bosco/Fischer—TLC-Hutton/Brown).	T.D. published in FR on 3/16/82.
§§ 501(c)(22), 194—EE-132-80	Inc. Tax—Part 1—Withdrawal Liability Payment Funds (Multiemployer Pension Plan Amendments Act 1980, § 209) (P.L. 96-364) (Robertson/McGovern).	Project closed without regulations 7/14/82.
§§ 809, 811, 820—LR-275-81	Inc. Tax—Part 13a—Temp. Regs.—Certain amounts refunded in reinsurance transactions (Bennett/Fischer).	Project closed without regulations 3/31/82.
§ 861(a)(1)(F)—LR-185-79	Inc. Tax—Part 1—Gross income from sources within the U.S. (RA 1978, § 540(a)) (Kadue/Saverude).	Project closed without regulations 6/4/82.
§ 871—LR-9-80	Inc. Tax—Part 1—Clarification of the computation of taxable income of dual status taxpayer (Feldman/Saverude—ITC-Shay/Lainoff).	Project closed without regulations 3/18/82.
§ 1202—LR-242-81	Inc. Tax—Part 5c—Temp. Regs.—Application of increased capital gains deduction for individuals to gains of pass-thru entities (ERTA 1981, § 102(d)) (Flanagan/Francis—TLC-Baneman/Brown).	Project closed without regulations 3/30/82.
§ 1502—LR-46-82	Inc. Tax—Part 1—Amendment of effective date of § 1.1502-42(d), relating to bad debt deduction for thrift institutions that join in filing consoidated returns (Kissel/Blumkin).	T.D. published in FR on 3/17/82.
§ 1502—LR-70-81	Inc. Tax—Part 1—To reflect the addition of sec. 473 to the Code dealing with qualified liquidations of LIFO inventories (Crude Oil Windfall Profit Tax Act 1980, § 403) (Weinstein/Blumkin).	Project closed without regulations 5/26/82.
§ 1502-80—LR-249-79	Inc. Tax—Part 1—Guidance for methods of consolidation for taxable years before regs. became effective (Swift/Whedbee—TLC-McCarty/Brown).	Project closed without regulations 4/29/82.
§ 1504(c)(2)—LR-47-82	Inc. Tax—Part 1—Consolidated returns under §§ 1501 and 1502 to be filed by life-nonlife groups (Duffy/Blumkin).	Project closed without regulations 3/24/82.
§ 2601—LR-338-81	Generation-skipping transfer tax—Part 26—Effective date provisions (ERTA 1981, § 428) (Grundeman/Smith).	T.D. published in FR on 3/3/82.
§ 2621—LR-20-82	Temp. Generation-skipping transfer tax regs.—Part 26a—Generation-skipping transfer tax return requirements (TRA 1976, § 2206(a)) (Waltuch/Smith).	T.D. published in FR on 6/3/82.
§§ 3121, 3231—LR-24-82	Empl. Tax—Part 31—Temp. Regs.—To require withholding of FICA & RRTA from certain payments of sick pay (Act of 12/29/81, § 3) (P.L. 97-123) (Olson/Coulter—Hevener/Levinson).	T.D. published in FR on 7/6/82.
§ 3402(o)—LR-8-81	Empl. Tax—Part 31—Extension of withholding to payments of sick pay made by third parties (P.L. 96-601, § 4) (Wold/Coulter—TLC-Gallagher/Koppelman).	T.D. published in FR on 3/16/82.

PART IV—REGULATIONS PROJECTS CLOSED BETWEEN MARCH 1, 1982, AND JULY 31, 1982—Continued

1954 code section and file number	Subject and drafter and reviewer	Disposition
§ 4482—LR-225-79	Exc. Tax—Part 41—Definition of highway vehicle for purposes of the highway use tax (Weinstein/Whedbee—TLC-Pike/Levinson).	Project closed without regulations 7/7/82.
§§ 4991, 4994, 4995—LR-204-81	Exc. Tax—Part 150—Temp. Regs.—Exempt royalty oil (ERTA 1981, § 601(b)) (Haglund/Woo—TLC-Schuldinger/Levinson).	T.D. published in FR on 3/3/82.
§§ 6109, 6049—LR-139-80	Inc. Tax—Part 1—Proc. and Admin.—Part 301—To require a resident having an interest in a nonresident alien's bank account to supply his SSAN (Tolleris/Coulter—ITC-Lainoff/Schreyer).	Project closed without regulations 6/24/82.
§ 6652—LR-33-82	Proc. and Admin.—Part 301—To conform to changes made by ERTA 1981 relating to requirements to file certain information returns and penalties for failure to file (Doran/Renfroe—ITC-Lainoff/Schreyer).	Project closed without regulations 7/26/82.
§§ 6654, 6655—LR-216-81	Inc. Tax—Part 1—Effect of royalty credit for 1981 on penalties for failure to pay estimated income tax (ERTA 1981, § 601(e)) (Charnas/Francis—TLC-Reinhold/Levinson).	Project closed without regulations 3/29/82.
§ 6655(h)—LR-29-81	Inc. Tax—Part 6A—Temp. Regs.—Title XI of the Omnibus Reconciliation Act of 1980, § 111—Relating to payment by large corps. of at least 60% of current tax year (ERTA 1981, § 725) (Magnatta/Coulter—TLC-Hutton/Levinson).	Project closed without regulations 4/7/82.

TABLE OF ABBREVIATIONS

Abbreviation	Meaning
ACC(Lit)	Associate Chief Counsel (Litigation).
ACC(T)	Associate Chief Counsel (Technical).
A/C (EX)	Office of Assistant Commissioner (Examination).
adj	adjustment.
admin	administration.
amdmt	amendment.
appvd	approved.
C or Comm'r. or Comm	Office of Commissioner.
CC	Office of Chief Counsel.
CC:C	Office of Chief Counsel, (Corporation Tax Division).
CC:D	Office of Chief Counsel, (Disclosure Litigation Division).
CC:I or CC:Interp or CC:Int	Office of Chief Counsel (Interpretative Division).
CC:IND	Office of Chief Counsel (Individual Tax Division.
CC:T	Associate Chief Counsel (Technical).
CC:TL	Office of Chief Counsel (Tax Litigation Division).
co	company.
CP	Compliance.
corp	corporation.
COWPTA	Crude Oil Windfall Profit Tax Act.
E or EPEO	Office of Assistant Commissioner (Employee Plans and Exempt Organizations).
E:A	Actuarial Division.
EE	Office of Chief Counsel (Employee Plans and Exempt Organizations Division).
EO	Exempt Organizations Division.
EP	Employee Plans Division.
ERTA 1981	Economic Recovery Tax Act of 1981.
ERISA	Employee Retierment Income Security Act of 1954.
est	estate.
exc	excise (or except) (depending on context).
FO	Foreign Operations.
F.R	Federal Register.
fwd	forwarded.
govt	government.
hrg	hearing.
inc	income.
Interp	Office of Chief Counsel (Interpretative Division).
ITC	Office of International Tax Counsel (Treasury).
LR	Office of Chief Counsel (Legislation and Regulations Division).
mfgr	manufacturer.
misc	miscellaneous.
OP:CI	Office of Assistant Commissioner (Criminal Investigation).
OP:EX	Office of Assistant Commissioner (Examination).
org	organization.
perm	permanent.
P.L. or Pub. L	Public Law.

TABLE OF ABBREVIATIONS—Continued

Abbreviation	Meaning
P & R	Office of Assistant Commissioner (Planning and Research).
prelim	preliminary.
prep	preparation.
proc	procedure.
prop	proposed.
prov	provision.
pub	published.
RA or Rev. Act	Revenue Act.
rec'd	received.
reg	regulation.
repub	republished.
ret'd	returned.
rtlr	retailer.
rev	revenue, revised or review (depending on context).
sec. or §	section.
soc. sec	social security.
subch	subchapter.
T or Tech	Office of Assistant Commissioner (Technical).
Tech. Corr	Technical Corrections.
T:C	Corporation Tax Division.
T.D	Treasury decision.
temp	temporary.
T:I	Individual Tax Division.
TX:D	Disclosure Operations Division.
T:FP	Tax Forms and Publications Division.
TLC	Office of Tax Legislative Counsel (Treasury).
T/P	taxpayer.
TRA	Tax Reform Act.
Treas	Department of the Treasury.
TR & SA	Tax Reduction and Simplification Act.

TABLE OF ATTORNEYS

Name	Telephone (Area Code 202)
Legislation and Regulations Division	
Alexander, Annie R	566-3287
Baughman, Beverly	566-3297
Bennett, Alice	566-3238
Blumkin, Marcus B	566-3463
Bosco, Philip	566-3288
Bouma, Herman	566-3287
Bromell, John B	566-3326
Charnas, Doublas W	566-3297
Clark, Cynthia L	566-4336
Coplan, Robert B	566-3287
Coulter, John M., Jr	566-4473
Dean, Mary E	566-3289
Dickinson, David E	566-3373-3374
Doran, Carol	566-3289
Duffy, Donald K	566-4336
Feldman, Jacob	566-3289
Fischer, John M	566-3394
Flanagan, Harold	566-3294
Francis, Paul A	566-3930

TABLE OF ATTORNEYS—Continued

Name	Telephone (Area Code 202)
Ginsburgh, Robert	566-3297
Grundeman, Fredric E	566-3287
Haglund, David	566-3459
Harman, John	566-4336
Kadue, Martha E	566-3238
Keesler, Patricia K	566-3288
Kissel, Benedetta	566-3238
Kroening, Linda	566-3459
Kroupa, Diane	566-3459
MacMaster, John P	566-3294
Magnatta, George	566-3459
Mix, Phoebe A	566-3297
Olson, Pamela	566-3459
Parcell, John H	566-3288
Pearson, Mary Frances	566-3458
Pellervo, Duane H	566-3458
Renfroe, Diane L	566-3289
Rosenthal, Joseph	566-3288
Roth, Gregory	566-3238
Saverude, Charles C	566-3323
Schmalz, John	566-3288
Schreiner, Kent J	566-3289
Sheldon, Neal E	566-3936
Smith, Larry E	566-3287
Stanley, Keith E	566-3458
Stevenson, Donald W	566-3297
Swift, Carolyn	566-3458
Thompson, Susan K	566-3294
Tolleris, John A	566-3294
Waltuch, Robert H	566-3287
Weinstein, Yerachmiel	566-3458
Whedbee, Charles M	566-3458
Wilson, Jane	566-4069
Wold, Barry L	566-3288
Woo, Walter H	566-3297
Zyskind, Neil	566-3289
Employee Plans and Exempt Organizations Division	
Accettura, Paul G	566-3544
Baker, George B	566-3422
Beker, Harry	566-3544
Gibbs, William D	566-3430
Hoffman, Marjorie	566-3430
Horowitz, Joel E	566-6212
Johnson, Kimley R	566-6212
Kerby, Charles K., III	566-3422
Khil, John C	566-3544
Levontin, Mary M	566-3430
Malloy, James F	566-4551
Marget, Jonathan P	566-3651
McGovern, James J	566-4173
Painter, Janet S	566-3544
Raps, Eric A	566-6212
Robertson, Calder L., Jr	566-3422
Rosenbaum, Monice L	566-3422
Snyder, Timothy J	566-3422
Thrasher, Michael A	566-3961
Watkins, Charles M	566-3430
Wickersham, Richard J	566-3250

[FR Doc. 82-28110 Filed 10-27-82; 8:45 am]

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Part XVI

ACTION

Semi-Annual Agenda of Regulations

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ACTION

45 CFR Ch. XII

Executive Order 12291, Federal Regulation; Semi-Annual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semi-annual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision and review during the 6 month period from October 1, 1982 through March 31, 1983. The purpose for publishing this agenda is to give notice of these upcoming regulations to allow the public the opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Ronald C. Owens, Associate General Counsel, ACTION, Room M–607, 806 Connecticut Avenue, NW., Washington, D.C. 20525, (202) 254–7963.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96–354) require that executive agencies publish in the **Federal Register**, in April and October of each year, a semi-annual agenda of regulations under development or review.

None of the regulations listed have been determined to be major and requiring a Regulatory Impact Analysis under E.O. 12291. None of the regulations listed have been determined to impose compliance costs or reporting burdens on the public and they have been found not to affect small business or state and local governments thereby requiring a Regulatory Analysis to be performed under 5 U.S.C. 602.

At this time, ACTION does not have a major regulation published and none is anticipated in the coming six month period.

Dated: September 24, 1982.

Thomas W. Pauken,

Director, ACTION.

CURRENT AND PROJECTED RULEMAKINGS

1. Title: Foster Grandparent Program (FGP) Regulations.

Agency Contact: Betty Brake, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525, Telephone (202) 254–7310, toll free (800) 424–8580, extension 239.

Effects on Small Business and Other Entities: None.

CFR Citation: 45 CFR Part 1208.

Legal Authority: Section 420 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113, 42 U.S.C. 5060.

Abstract: Proposed revisions to clarify and update existing FGP regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations.

Timetable: Proposed regulations will be published in the **Federal Register** for comment, upon completion of OMB review in accordance with E.O. 12291, in late September or early October. Citations will remain the same.

2. Title: Senior Companion Program (SCP) Regulations.

Agency Contact: Betty Brake, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525, Telephone (202) 254–7310, toll free (800) 424–8580, extension 239.

Effects on Small Business and Other Entities: None.

CFR Citation: 45 CFR Part 1207.

Legal Authority: Section 420 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113, 42 U.S.C. 5060.

Abstract: Proposed revisions to clarify and update existing SCP regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations.

Timetable: Proposed regulations will be published in the **Federal Register** for comment, upon completion of OMB review in accordance with E.O. 12291, in late September or early October. Citation will remain the same.

3. Title: Retired Senior Volunteer Program (RSVP) Regulations.

Agency Contact: Betty Brake, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525, Telephone (202) 254–7310, toll free (800) 424–8580, extension 239.

Effects on Small Businesses and Other Entities: None.

CFR Citation: 45 CFR Part 1209.

Legal Authority: Section 420 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 95–113, 42 U.S.C. 5060.

Abstract: Proposed revisions to clarify and update existing RSVP regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations.

Timetable: Proposed regulations will be published in the **Federal Register** for comment, upon completion of OMB review in accordance with E.O. 12291, in late September or early October. Citations will remain the same.

4. Title: Fixed Income Counseling Program (FICC) Guidelines.

Agency Contact: John Herbert, FICC, ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525, Telephone (202) 254–5250, toll free (800) 424–8580, extension 234.

Effects on Small Businesses and Other Entities: None.

Legal Authority: Title I, Part C, Section 122(a) of the Domestic Volunteer Service Act of 1973, as amended, Pub. L 93–113, 42 U.S,C. 4992.

Abstract: Proposed guidelines for FICC project grants, describing program authorization, history and purpose; applicant eligibility, criteria for sponsor responsibilities, application procedured and deadlines, and required reports and recordkeeping.

Timetable: Proposed guidelines published May 18, 1982, at 47 FR 21286. Final guidelines will be published in the near future.

5. Completed Actions: *Young Volunteer in ACTION (YVA) Guidelines,* final August 12, 1982. 47 FR 35018

Agency contact: Barbara Wyatt, (202) 254–8458, toll free (800) 424– 8580, Extention 288 or 289.

Mini-Grants Guidelines, final August 20, 1982, 47 FR 36461.

Agency Contact: Joe Bass, (202) 254–72–62, toll free (800) 424–8867.

[FR Doc. 82–27913 Filed 10–27–82: 8:45 am]

BILLING CODE 6050–01–M

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Part XVII

Advisory Council on Historic Preservation

Regulatory Agenda

Register

Part XVII

Advisory Council on Historic Preservation

Regulatory Agenda

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 800

Regulatory Agenda

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Regulatory Agenda.

SUMMARY: The Regulatory Agenda is a semiannual summary of each proposed and each final regulation that the Advisory Council on Historic Preservation expects to publish in the **Federal Register** during the next twelve (12) months.

ADDRESS: Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Executive Director, Advisory Council on Historic Preservation, 202–254–3967.

Dated: August 26, 1982.

Robert R. Garvey, Jr.,

Executive Director.

CURRENT AND PROJECTED RULEMAKING—PRIORITY

Title: Protection of Historic and Cultural Properties

Agency Contact: John M. Fowler, General Counsel.

Effects on Small Businesses and Other Entities: None.

CFR Citation: 36 CFR Part 800.

Legal Authority: 16 U.S.C. 470, *et seq.*

Abstract: In order to streamline and increase the effectiveness of the Council's regulations at 36 CFR Part 800, the Council is in the process of preparing revisions to its regulations. The reason for the revisions is to implement new regulatory authorities set forth in Pub. L. 96–515, and to improve the efficiency of the historic preservation review process. The alternative to revision of the regulations is to leave them as they are, which would not achieve the goals the Council seeks. The revisions are expected to reduce the cost of complying with the regulations.

Timetable: Unknown at this time.

[FR Doc. 82–27914 Filed 10–27–82; 8:45 am]

BILLING CODE 4310–10–M

federal register

Thursday
October 28, 1982

Part XVIII

Architectural and Transportation Barriers Compliance Board

Unified Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

Unified Agenda

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of unified agenda.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda for regulatory activities which may be conducted by the agency during the next twelve months. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of action taken by the Board.

ADDRESS: U.S. Architectural and Transportation Barriers Compliance Board, 330 C Street, SW., Room 1010, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: For information concerning the regulation and any proposed actions, contact Ms. Sally Free, Office of Technical Services (202) 472–2700 (voice or TDD) or (202) 245–1591 (messages—voice or TDD).

Dated: September 29, 1982.

Wm. Bradford Reynolds,

Chairperson, Architectural and Transportation Barriers Compliance Board and Assistant Attorney General for Civil Rights, Department of Justice.

Regulatory Agenda; Fiscal Year 1983

Minimum Guidelines and Requirements for Accessible Design

Agency contact: For information concerning the regulation and any proposed actions, contact Ms. Sally Free, Office of Technical Services, (202) 472–2700 (voice or TDD) or (202) 245–1591 (messages—voice or TDD).

Effects on small businesses and other entities: The Architectural and Transportation Barriers Compliance Board (ATBCB) has concluded that the Board's regulation, Minimum Guidelines and Requirements for Accessible Design, does not have a significant economic impact on a substantial number of small entities and that the requirements of the Regulatory Flexibility Act, Pub. L. 96–354, for a regulatory flexibility analysis, is not applicable. The Architectural and Transportation Barriers Compliance Board's regulation directly impacts four agencies—the General Services Administration, Department of Housing and Urban Development, Department of Defense and United States Postal Service—who are to issue standards in accordance with the Architectural Barriers Act of 1968, as amended. Final determination of possible effect, if any, on recipients of Federal construction funds and on small businesses will be made as these standards based on the guidelines and requirements are issued by these four agencies.

CFR Citation: 36 CFR Part 1190.

Legal Authority: Section 502(b)(7) of the Rehabilitation Act of 1973 (29 USC 792(b)(7)), as amended by the Rehabilitation Comprehensive Service, and Development Disabilities Amendments of 1978 (Pub. L. 95–602), 92 Stat. 2979.

Abstract: Specific provisions of the ATBCB guidelines and requirements have been reserved until such time as sufficient research, information, and/or field experience is obtained. It is anticipated that such information will become available during 1983 and that the Board will be able to take rulemaking action concerning these reserved provisions. In addition to the reserved provisions, the Board has indicated that additional information would be useful on other provisions in the regulation. As this information becomes available, the Board may also take rulemaking action concerning these provisions. The Board will provide information in rulemaking actions on alternatives being considered for addressing the problem, and the potential costs and benefits of the action proposed.

Timetable:

1983: Advanced notices of proposed rulemaking (ANPRM) and notice(s) of proposed rulemaking (NPRM) to be published on specific provisions of the ATBCB guidelines and requirements that have been reserved previously or that are in need of additional information.

1983: Final rulemaking to be published pending outcome of NPRMs.

Rulemaking History:

August 4, 1982: Revised final rule published, 36 CFR Part 1190, 47 FR 33862.

January 27, 1982: Amendments proposed to 36 CFR Part 1190, 47 FR 3939.

January 27, 1982: Amendments published to 36 CFR Part 1190.31(q), 1190.40, 1190.210 addressing scoping and technical requirements for public telephones and related equipment, 47 FR 3934.

September 29, 1981: Notice published extending comment period for proposed rulemaking of August 4, 1981, on 36 CFR Part 1190, 46 FR 47444.

August 4, 1981: Notice of proposed rulemaking published addressing recision of 36 CFR Part 1190, 46 FR 39764.

August 4, 1981: Notice of proposed rulemaking published on 36 CFR Part 1190.31(q), 1190.40, 1190.210 addressing scoping and technical requirements for public telephones and related equipment, 47 FR 3934.

January 16, 1981, final regulation published, 36 CFR Part 1190, 46 FR 4270.

August 18, 1980, notice of proposed rulemaking published, 36 CFR part 1190, 45 FR 55010.

February 22, 1980, notice of intent published, 36 CFR Part 1190, 45 FR 12167.

[FR Doc. 82–28069 Filed 10–27–82 8:45 am]

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federal register

Thursday
October 28, 1982

Part XIX

Environmental Protection Agency

Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL #2219-4]

Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Regulatory Agenda.

SUMMARY: The Agency publishes a semi-annual Regulatory Agenda which summarizes the status of regulations under development, revision, and review. The purpose is to keep interested parties informed of the progress of these regulations.

FOR FURTHER INFORMATION CONTACT: For information on a regulation in the Agenda, please contact the person whose name is listed next to the regulation.

If you have suggestions for improving this publication, or need general information about the Agenda, please call or write to Daniel Fiorino, Regulation Management Staff, Environmental Protection Agency, PM-223, Washington, D.C., 20460, (202) 382-5480.

If you want to be on the mailing list for the Regulatory Agenda, please call or write to Penelope Parker, Regulation Management Staff, Environmental Protection Agency, PM-223, Washington, D.C., 20460, (202) 382-5475.

SUPPLEMENTARY INFORMATION:

Background

Both Executive Order 12291 and the Regulatory Flexibility Act require that EPA publish a Regulatory Agenda in October and April every year. Executive Order 12291 on "Federal Regulation" appeared in the **Federal Register** on February 19, 1981, 46 FR 13193. The Order requires that Agencies publish a Regulatory Agenda identifying regulations under development or review. Under section 602 of the Regulatory Flexibility Act, the Agenda must identify regulations that are likely to have a significant impact on a substantial number of small entities. EPA published its most recent Regulatory Agenda on April 12, 1982, 47 FR 15702. The next Regulatory Agenda will appear in April 1983.

Organization of the Agenda

The Agenda appears in three parts: (1) A set of entries identifying regulations under development or revision; (2) a list of regulations EPA is deleting from the first part because they have been completed or cancelled; and (3) a list of regulations under review.

The Agenda entries in the first and second parts are organized by statutory area—generally by the titles of the major legislation authorizing EPA's pollution control programs. In a few cases, the Agenda combines different statutory programs. In a few cases, the Agenda combines different statutory authorities that have closely-related subject matter. For example, the Fuel Economy Data regulation—authorized by the Energy Policy and Conservation Act—appears at the end of the section on the Clean Air Act, along with other mobile source regulations.

The statutory areas appear in the following order:

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetics Act (FFDCA)
The Toxic Substances Control Act (TSCA)
The Clean Water Act (CWA) and the Marine Protection, Research, and Sanctuaries Act (MPRSA)
The Atomic Energy Act (AEA) and the Uranium Mill Tailings Radiation Control Act (UMTRCA)
The Safe Drinking Water Act (SDWA)
The Noise Control Act (NCA)
The Resource Conservation and Recovery Act (RCRA)
The Clean Air Act (CAA) and the Energy Policy and Conservation Act (EPCA)
The Comprehensive Environmental Response, Compensation, and Liability Act—"Superfund" (CERCLA)
General—Other Acts (including general grant and procurement regulations and regulations that cut across several programs)

Within each statutory area, we have divided the regulations into two basic groups: (a) "New Regulations", i.e., actions that will result in new CFR parts, subparts, or subsections; and (b) "Revised Reglations", i.e., actions that revise or amend already existing CFR parts, subparts, or subsections. Within each of these two groups, the regulations are ordered numerically by section number of the authorizing legislation. For example, all air regulations under Section 109 of the Clean Air Act will appear before those under Section 111. Within each statutory section, the Agenda orders regulations by CFR part number.

Regulations Covered in the First Part of the Agenda

The first part of the Agenda includes most of the regulations under development that are:

- Subject to Executive Order 12291;
- Have been identified by the President's Task Force on Regulatory Relief; or
- Have been designated by the Agency for priority development of revision.

The only rules excluded are: (a) Specialized categories of actions (such as EPA approvals of state plans and other actions that do not apply nationally); and (b) routine actions (such as pesticide tolerances and minor amendments to existing regulations).

The first part of the Agenda generally includes regulations scheduled for publication as a proposed or final rule within the coming calendar year. Occasionally, it also includes regulations with scheduled actions that are more than a year away. In some cases, regulations do not appear in the Agenda until they reach the stage of notice of proposed rulemaking.

Explanation of Information in the First Part of the Agenda

Two hundred & fifty six regulation entries are in the first part of today's Agenda. Of these, 120 are revisions to existing regulations. Sixteen of the regulations are classified as "major" under Executive Order 12291, and 28 are being revised at the request of the President's Task Force on Regulatory Relief.

There are four columns of information for each entry in the first part of the Agneda.

The *first* column contains the title, the Start Action Request (SAR) number and the docket number of the regulation. If the title is underlined, this indicates that the regulation entry is appearing in the Agenda for the first time. The Agency assigns the SAR number to a new regulation when the program office prepares the SAR for it.

The docket numbers—for those regulations that have them—are useful for identifying the official files on the regulation that are open to the public.

The *second* column contains most of the descriptive information on the regulation. It includes information under the following categories:

Description: The problem addressed by the regulation and the need for the regulation. The description also indicates whether the regulation is being revised at the request of the President's Task Force on Regulatory Relief.

Statutory Authority:

(a) The sections of the statutes that authorize the regulation; and

(b) the sections from the United States Code where the statutes are codified. (See the section above, entitled "Organization of the Agenda", for

abbreviations of the titles of the statutes.)

CFR: (a) The part or subpart where the final regulation will appear in volume 40 of the Code of Federal Regulations (CFR); and

(b) whether EPA has classified the regulation as "major" under Executive Order 12291. Major regulations are so identified; non-major regulations are those that are not labeled "major". Regulations ultimately classified as major require a Regulatory Impact Analysis under Executive Order 12291. Executive Order 12291 defines "major" as:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Analysis: Whether the Agency plans to perform any of the following special analyses, i.e., a Regulatory Impact Analysis (RIA), a Regulatory Flexibility Analysis (RFA), an Environmental Impact Statement (EIS), or an Information Impact Analysis (IIA). EPA prepares an economic analysis for all regulations that have significant economic impacts on public or private sectors. If this will be the only analysis performed, then we do not include an "Analysis" category for the regulation.

Small Entity: Whether a regulation is likely to have a significant impact on a substantial number of small businesses, small governmental jurisdictions, or small organizations. Identification as "likely" is only tentative and does not mean that EPA will prepare a Regulatory Flexibility Analysis. For some regulations that are still a long way from proposal, we have indicated that this likelihood is "not yet determined."

The *third* column lists the person to contact for additional information on the regulation.

The *fourth* column lists documents published in the **Federal Register** in connection with the regulation, and provides the timetable for future actions. Published documents may include:

(a) The Advance Notice of Proposed Rulemaking (ANPRM), which describes the purpose of the proposed action and the issues and alternatives which the Agency will consider;

(b) The Notice of Proposed Rulemaking (NPRM), which is the regulation that the Agency proposes for public comment;

(c) The Notice of the Proposed Rulemaking (RPRM), which reproposes a regulation EPA has already proposed at least once;

(d) The Interim Final Rule (IFR), which is a regulation that becomes effective immediately, but on which the agency is accepting public comment; and

(e) The Final Rule (FR).

In many cases, the timetable for future actions is only tentative. Readers should call the contact person for the latest scheduling information

Regulations Covered in the Second Part of the Agenda

In the second part of the Agenda, EPA lists regulations appearing in the last Agenda that are now no longer under consideration. EPA will delete these from future Agendas. The information given on these regulations is less detailed than for those still under consideration. Generally, it includes (1) the date and **Federal Register** citation, if any, of the last action on the regulation, and (2) an explanation of why the Agency is deleting the regulation from the Agenda. If EPA has completed work on the regulation, the effective date of the regulation appears after the designation "completed."

Third Part of the Agenda—Regulations Under Review

The third part of the Agenda identifies existing EPA regulations (1) that are now under review, or (2) whose review will begin before the next Agenda is published. The purpose of such reviews is to determine whether the regulation should be revised, rescinded, or left unchanged. If EPA decides to revise or rescind the regulation, the action will then appear as an entry in the first part of the Agenda, and this will state the timetable for completing the revision or rescission.

For each regulation under review, the Agenda gives the title, a short description, statutory authority, CFR reference, any analysis EPA is preparing, contact person, and the schedule for completing the review. It also indicates the "review authority," which in many cases will be different from the regulation's statutory authority. Regulations are reviewed under the following mandates:

- Executive Order 12291
- Regulatory Flexibility Act
- Paperwork Reduction Act
- Environmental Statutes

Some of EPA's reviews satisfy more than one of these mandates. In the paragraphs below we summarize the different goals of these authorities.

Executive Order 12291 establishes the general policy that EPA should review all of its existing regulations to ensure that the costs of these regulations are justified by their benefits. This policy covers any regulations that EPA is reviewing at the request of the President's Task Force on Regulatory Relief.

The Regulatory Flexibility Act (5 U.S.C. 610) requires that EPA review at least once every ten years existing regulations that have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governments. EPA issued its plan for conducting these reviews on July 16, 1981 at 46 FR 36930 and has used those comments in identifying candidates for review.

The Paperwork Reduction Act requires that Federal agencies reduce unnecessary paperwork burdens on the public. EPA reviews information collection activities for duplication, practical utility, and burden on the public.

Many of EPA's authorizing *environmental statutes* also set review dates for specific regulations.

Joseph A. Cannon,

Associate Administrator for Policy and Resource Management.

BILLING CODE 6560-50-M

EPA REGULATIONS UNDER CONSIDERATION

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), with the cooperation of the States for certain activities, regulates the use of pesticide products in the United States. Under Section 3 of the Act all manufacturers of pesticides must register their products with EPA. At the request of the President's Task Force on Regulatory Relief, EPA is reviewing and revising its Section 3 regulations (SAR No. 1524).

NEW REGULATIONS

Title	Summary	Contact	Timetable
Restricted Use Classification for Certain Active Ingredients Used in Fumigants SAR No. 1828	Description: FIFRA requires that pesticides be classified for either restricted or general use. This rule would classify certain active ingredients in fumigants for restricted use based on an evaluation of the incremental risks and benefits of unrestricted use. Classification for restricted use permits the continued use of certain pesticides which, if used without restriction, may have unreasonable adverse effects on the environment. Statutory Authority: FIFRA 3, 25 / 7 USC 136(a) CFR:40 CFR 162.31 Small Entity:Not yet determined	Walter Waldrop EPA (TS-767-C) Washington, DC 20460 FTS:8-557-0592 COMM:703-557-0592	NPRM: 10/00/82 FR: Undetermined
Restricted Use Classification For Certain Active Ingredients Used in Granular Insecticides SAR No. 1829	Description: FIFRA requires that pesticides be classified for either restricted or general use. This rule would classify certain active ingredients in granular insecticides for restricted use based on an evaluation of the incremental risks and benefits of unrestricted use. Classification for restricted use permits the continued use of certain pesticides which, if used without restriction, may have unreasonable adverse effects on the environment. Statutory Authority: FIFRA 3, 25 / 7 USC 136(a) CFR:40 CFR 162.31 Small Entity:Unlikely	Walter Waldrop EPA (TS-767-C) Washington, DC 20460 FTS:8-557-0592 COMM:703-557-0592	NPRM: 44FR45218 (08/01/79) FR: 11/00/82
Good Laboratory Practice – Toxicology Testing SAR No. 1703 Docket No. OPP-30023B	Description: This rule states requirements for the retention and handling of laboratory records and includes quality assurance procedures, records and similar information related to Good Laboratory Practice. Statutory Authority: FIFRA 3 / 7 USC 136(a) CFR:40 CFR 163Q Small Entity:Unlikely	Bruce Jaeger EPA (TS-769C) Washington, DC 20460 FTS:8-557-3713 COMM:703-557-3713	NPRM: 45FR26373 (04/18/80) FR: 12/00/82
Reporting Requirements for Certain Dealers of Restricted Use Pesticides SAR No. 1746	Description: This rule would establish certain recordkeeping and reporting requirements for pesticides that are classified for restricted use. This rule will only apply to States and Indian Reservations where the Administrator is conducting a Federal program to certify pesticide applicators. The rule would require persons who make restricted use pesticides available to users to submit a report to the Agency and maintain records of sales. Statutory Authority: FIFRA 3(d), 4(2)(1), 25(2)(1) / 7 USC 136a, 136b, 136w CFR:40 CFR 171 Small Entity:Unlikely	David Hanneman EPA (EN-342) Washington, DC 20460 FTS:8-382-5645 COMM:202-382-5645	NPRM: 47FR32551 (07/28/82) FR: 05/00/83
Registration of Pesticide Producing Establishments SAR No. 1747	Description: This regulation amends the existing regulations on registering establishments that produce pesticides. The regulation implements the Congressional mandate to register establishments that produce active ingredients used in pesticides. Statutory Authority: FIFRA 7 / 7 USC 136e, 136f, 136w CFR:40 CFR 167 Small Entity:Unlikely	Richard Kuntz EPA (EN-342) Washington, DC 20460 FTS:8-382-5650 COMM:202-382-5650	NPRM: 45FR46100 (07/09/80) FR: Undetermined
Exemption for Certain Products Containing Pheromone Attractants SAR No. 1870 Docket No. OPP-250031	Description: This rule would exempt from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act all pheromones, identical synthetic chemicals intended for use in pheromone traps, and the pheromone traps in which those chemicals are the sole active pesticide ingredient. This revision is being made at the request of the President's Task Force on Regulatory Relief. Statutory Authority: FIFRA 25(b)(2) CFR:40 CFR 162 Small Entity:Unlikely	David Alexander EPA (TS-767) Washington, DC 20460 FTS:8-557-0592 COMM:703-557-0592	NPRM: 47FR33716 (08/04/82) FR: 04/00/83

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT			
Proposed Interpretive Rule Governing State Primary Enforcement Responsibility for Pesticide Use Violations SAR No. 1563	Description: This rule will give the Agency interpretation of Sections 26 and 27 of FIFRA which, provide for State enforcement of pesticide violations. Statutory Authority: FIFRA 26, 27 / 7 USC 136-W-1, W-2 CFR:40 CFR 173 Small Entity:Unlikely	Laura Campbell EPA (EN-342) Washington, DC 20460 FTS:8-382-5651 COMM:202-382-5651	NPRM: 47FR16799 (04/20/82) FR: 04/00/83
REVISED REGULATIONS			
Data Requirements for Registration SAR No. 1837	Description: This regulation will specify the kinds of data that will normally be required to support the registration of a pesticide based on its product type and use pattern. It will state whether the requirements apply to manufacturing-use products or to end-use products. These requirements will provide two principal benefits: 1) generation of data needed to evaluate pesticides' effects, and 2) more efficient and faster pesticide development and registration. EPA is revising this regulation at the request of the President's Task Force on Regulatory Relief. Statutory Authority: FIFRA 3 / 7 USC 136(a) CFR:40 CFR 158 Analysis:RIA Small Entity:Unlikely	Frederick S. Betz EPA (TS-769) Washington DC 20460 FTS:8-557-7351 COMM:703-557-7351	NPRM: 10/00/82 FR: 11/00/82
Modification of Regulations for Pesticide Reregistration, Classification and Incorporation of Registration Standards SAR No. 1524 Docket No. OPP-30034	Description: These regulations will revise procedures and requirements for the registration of new pesticide chemicals and products, the registration and reregistration of old pesticide chemicals and products, the classification of pesticides for general or restricted use, and child-resistant packaging. EPA is revising this regulation at the request of the President's Task Force on Regulatory Relief. Statutory Authority: FIFRA 3(c)(2)(C) / 7 USC 136(d) CFR:40 CFR 162 Small Entity:Unlikely	Suzanne Harker EPA (TS-767C) Washington DC 20460 FTS:8-557-0592 COMM:703-557-0592	ANPRM: 44FR76311 (12/26/79) NPRM:47FR40659 (09/15/82) FR: Undetermined
Conditional Registration and Data Compensation SAR No. 1885	Description: The United States Court of Appeals for the Third Circuit stated on June 22, 1982 that EPA must promulgate appropriate regulations in accordance with the Administrative Procedure Act. Unless reproposed, the current regulations will become invalidated by January, 1983. Statutory Authority: FIFRA 3 CFR:40 CFR 162 Small Entity:Unlikely	Jean Frane EPA (TS-767C) Washington, DC 20460 FTS:8-557-0592 COMM:703-557-0592	NPRM: 11/00/82 FR: 01/00/83
Certification of Pesticide Applicators — Expansion of Time Period SAR No. 1899 Docket No. OPP-40004C	Description: The Agency is proposing to extend the certification of commercial pesticide applicators from two years to three years and the certification of private applicators from three to four years. Statutory Authority: FIFRA 4 CFR:40 CFR 171.11 Small Entity:Unlikely	John Seitz EPA (EN-342) Washington, DC 20460 FTS:8-382-5623 COMM:202-382-5623	NPRM: 10/00/82 FR: Undetermined
Amendments to Criteria for the Rebuttable Presumption Against Registration Process SAR No. 1745	Description: EPA is proposing amendments to the criteria for initiating the Rebuttable Presumption Against Registration (RPAR) process. These amendments will make the process consistent with recent changes in the statute and the program. These amendments are being proposed at the request of the President's Task Force on Regulatory Relief. Statutory Authority: FIFRA 6(b) / 7 USC 136 CFR:40 CFR 162 Small Entity:Unlikely	Art Donner EPA (TS-791) Washington, DC 20460 FTS:8-557-8193 COMM:703-557-8193	NPRM: 11/00/82 FR: 06/00/83
Proposed Revisions to Crop Group Tolerances SAR No. 1823 Docket No. OPP-260043	Description: At the request of the President's Task Force on Regulatory Relief, EPA is revising the Crop Group Regulations to allow for more extensive use of group tolerances for related crops. It will minimize the burden of establishing tolerances for pesticide residues in or on minor crops. It defines crop groups and the procedures for establishing group tolerances. Statutory Authority: / 21 USC 346a(e) CFR:40 CFR 180.34(f) Small Entity:Unlikely	Charles L. Trichilo EPA (TS-769) Washington, DC 20460 FTS:8-557-7324 COMM:703-557-7324	NPRM: 47FR20635 (05/13/82) FR: 04/00/83

EPA REGULATIONS UNDER CONSIDERATION

TOXIC SUBSTANCES CONTROL ACT

EPA is writing regulations under four sections of the Toxic Substances Control Act (TSCA): under Section 4, rules that require the testing of specific chemical substances and mixtures; under section 5, premanufacture notification rules; a series of specific control actions under Section 6, for chemicals presenting unreasonable risks; and under Section 8, reporting and recordkeeping requirements necessary for implementing other TSCA provisions.

NEW REGULATIONS

Title	Summary	Contact	Timetable
Good Laboratory Practice Standards SAR No. 1886	Description: This regulation sets forth the standards for Good Laboratory Practices (GLP) which apply to all health effects, ecological effects, physical, chemical and persistence testing conducted under TSCA. Good laboratory practices are recognized, established practices which laboratory professionals use to ensure accurate and replicable tests. EPA will invoke these GLP standards when it publishes chemical-specific test rules. Statutory Authority: TSCA 4(b) / 15 USC 2603 CFR:40 CFR 163Q Small Entity:Not yet determined	Dr. Irwin Baumel EPA (TS-796) Washington, DC 20460 FTS:8-382-4241 COMM:202-382-4241	FR: 01/00/83
General Reimbursement Policy for TSCA Test Rules SAR No. 1726 Docket No. OPTS-48001C	Description: TSCA requires that those who manufacture and process a chemical must pay for tests to develop necessary information on its risks. Industry has initial responsibility for deciding how to share testing costs, but Section 4 requires EPA to issue reimbursement orders when private negotiations fail. This rule establishes procedures and criteria for EPA to make decisions on fair and equitable reimbursement. It is designed to encourage private arrangements by reducing the advantage of transferring a dispute to EPA. Statutory Authority: TSCA 4(c) / 15 USC 2603 CFR:40 CFR 790 F Small Entity:Unlikely	Ellen Selonick EPA (TS-779) Washington, DC 20460 FTS:8-382-3700 COMM:202-382-3700	ANPRM: 44FR54284 (09/18/79) NPRM: 47FR24348 (06/04/82) FR: 03/00/83
General Exemption Policy for Test Rules SAR No. 1669 Docket No. OPTS-47001	Description: This is a final notice of the policies and procedures EPA will use to grant exemptions from testing under Section 4(c) of TSCA. Section 4(c) requires EPA to exempt applicants from testing if the chemical they manufacture or process is equivalent to one which is already being tested or if testing by applicants for exemptions would duplicate data already submitted to EPA. Statutory Authority: TSCA 4(c) / 15 USC 2603 CFR:40 CFR 790 (proposed as 773) Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 45FR48512 (07/18/80) FR: 12/00/82
Decision on Test Rules for Chloromethane and Chlorinated Benzenes and Decision Not to Test Acrylamide (Health) SAR No. 1131 Docket No. OPTS 47002	Description: This is one of a series of decisions on rules issued under TSCA, Section 4. EPA will either require testing of specific chemicals or provide adequate reasons for not requiring testing. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 (proposed as 771) Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 45FR48524 (07/18/80) FR: 11/00/82 FR: 11/00/82 FR: 01/00/83
Decision on Test Rules for Nitrobenzene, Dichloromethane and 1, 1, 1-Trichloroethane SAR No. 1668 Docket No. OPTS-47004	Description: This regulation would require chemical manufacturers and processors to test nitrobenzene, dichloromethane and 1,1,1-trichloroethane for specified health and environmental effects or provide adequate reasons for not requiring testing. This is one of a series of rules issued under Section 4 to require testing of specific chemicals. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 (proposed as 771) Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, D.C. 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 46FR30301 (06/05/81) FR: 02/00/83
Decision on Test Rule for Phenylenediamines SAR No. 1789 Docket No. OPTS-42008	Description: This action initiates rulemaking on the Sixth Interagency Testing Committee (ITC) list of chemicals recommended for testing. EPA must initiate action or decide not to require testing within twelve months of the ITC recommendation. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	ANPRM: 47FR973 (01/08/82) NPRM: 02/00/83

EPA REGULATIONS UNDER CONSIDERATION

TOXIC SUBSTANCES CONTROL ACT

Title	Summary	Contact	Timetable
Decision on Test Rule for Fluoroalkenes SAR No. 1748	Description: This action initiates rulemaking on the seventh Interagency Testing Committee (ITC) list of chemicals recommended for testing. EPA must initiate action or decide not to require testing within twelve months of the ITC recommendation. Statutory Authority: TSCA 4(a) / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	ANPRM: 46FR53704 (10/30/81) NPRM: 02/00/83
Test Rule for Diethylenetriamine SAR No. 1832 Docket No. OPP-42012	Description: This action initiates rulemaking on the Eighth ITC list of chemicals. It would require manufacturers of diethylenetriamine (DETA) to test the chemical for subchronic toxicity, mutagenicity, and biodegradation. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven D. Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 47FR18386 (04/29/82) FR: 04/00/83
Decision on Test Rules for Tris(2-chloroethyl) Phosphite, Chlorendic Acid, and 4-Chlorobenzotrifluoride SAR No. 1833	Description: This action initiates rulemaking on the Ninth ITC list of chemicals. EPA will either require testing of specific chemicals or provide adequate reasons for not requiring testing. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven D. Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 04/00/83
Decision on Test Rules for Tenth ITC Priority List SAR No. 1892	Description: This action initiates rulemaking on the tenth ITC list of chemicals. EPA will either require testing of specific chemicals, negotiate testing with industry, or provide adequate reasons for not requiring testing. The chemicals on this list are biphenyl, ethyltoluene, formamide, and 1,2,4-trimethylbenzene. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, D.C. 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 10/00/83
Decision on Test Rules for Eleventh ITC Priority List SAR No. 1898	Description: This action initiates rulemaking on the eleventh ITC list of chemicals. EPA will either require testing of specific chemicals, negotiate testing with industry, or provide adequate reasons for not requiring testing. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven D. Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 10/00/82 FR: 10/00/83
1982 Decision on Test Rules for ITC Priority Chemicals, Lists 1-6 SAR No. 1890	Description: A series of decisions will be issued in 1982 under section 4 of TSCA concerning disposition of certain ITC chemicals. EPA will either require testing, negotiate testing agreements, or provide adequate reasons for not requiring testing of these specific chemicals. Decisions on thirteen chemicals will be issued by December 31, 1982 in compliance with a court-ordered schedule. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven D. Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:202-557-5781	NPRM: 12/00/82
1983 Decision on Test Rules for ITC Priority Chemicals, Lists 1-6 SAR No. 1891	Description: A series of decisions will be issued in 1983 under section 4 of TSCA concerning disposition of certain ITC chemicals. EPA will either require testing, negotiate testing agreements, or provide adequate reasons for not requiring testing of these specific chemicals. Decisions on thirteen chemicals will be issued by December 31, 1983 in compliance with a court-ordered schedule. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, D.C. 20460 FTS:8-557-5781 COMM:202-557-5781	NPRM: 12/00/83
Follow-up Rules on New and Existing Chemicals SAR No. 1888	Description: EPA has instituted a program to follow up the commercial development of existing chemicals of concern and selected new chemicals that have completed premanufacture notice review. EPA will issue rules on new and existing chemicals of concern as they are identified to require follow-up reporting by the manufacturers and processors of the chemicals. Individual rules will be proposed at different times throughout the period of November 1982 to November 1983. Statutory Authority: TSCA 5(a)(2), 8(a) CFR:40 CFR 704, 721 Small Entity:Not yet determined	Joseph A. DeSantis EPA (TS-794) Washington, DC 20460 FTS:8-382-3849 COMM:202-382-3849	NPRM: 11/00/83

EPA REGULATIONS UNDER CONSIDERATION

TOXIC SUBSTANCES CONTROL ACT

Title	Summary	Contact	Timetable
Premanufacture Notification Requirements and Review Procedures SAR No. 1134 Docket No. OPTS-50019 OTS-50002	Description: This regulation establishes procedures for chemical manufacturers to submit notices to EPA before manufacturing new chemical substances for commercial purposes. EPA will use these notices to screen potentially harmful chemicals before they enter production and use. The Agency may, if necessary, take any of several different actions to prohibit, monitor, or control commercial development of a chemical. Statutory Authority: TSCA 5 / 15 USC 2604 CFR:40 CFR 720 – MAJOR Analysis: RIA, RFA Small Entity:Likely	Joe DeSantis EPA (TS-794) Washington, DC 20460 FTS:8-382-3849 COMM:202-382-3849	NPRM: 44FR2242 (01/10/79) IFR: 44FR28564 (05/15/79) RPRM: 44FR59764 (10/16/79) INTERIM POLICY: 45FR74378 (11/07/80) FR: 04/00/83
Labeling Rule for Treated Wood SAR No. 1680	Description: Pentachlorophenol, creosote and inorganic arsenicals are used as wood preservatives. They pose risks of teratogenicity, fetotoxicity, oncogenicity, and mutagenicity for persons improperly handling treated wood. This regulation would require the distribution of labels containing safe handling directions for products treated with these preservatives. In a related action, EPA is conducting a Rebuttable Presumption Against Registration (RPAR) review of these preservatives under FIFRA, because they may pose unreasonable risks to health. Statutory Authority: TSCA 6 / 15 USC 2605 CFR:Not yet assigned Small Entity:Not yet determined	Paul Lapsley EPA (TS-791) Washington, D.C. 20460 FTS:8-557-7420 COMM:703-557-7420	ANPRM: 12/00/82 NPRM: 10/00/83
Rules Restricting the Commercial and Industrial Use of Asbestos Fibers SAR No. 1627	Description: The Agency is evaluating the need for further information or control regulation of the commercial and industrial use of asbestos. A variety of alternatives are being considered, including: (1) requiring the labeling of asbestos and asbestos-containing products, and (2) prohibiting or otherwise restricting certain uses of asbestos that present unreasonable risks. EPA will coordinate its asbestos activities with those of the Federal Asbestos Task Force. Statutory Authority: TSCA 6 / 15 USC 2605 CFR:40 CFR 763 – MAJOR Analysis: RIA Small Entity:Not yet determined	Edward Klein EPA (TS-794) Washington, DC 20460 FTS:8-382-3938 COMM:202-382-3938	ANPRM: 44FR60056 (10/17/79) NPRM:Undetermined
Investigation of Chlorofluorocarbons SAR No. 1644 Docket No. OPTS-62009	Description: Chlorofluorocarbons (CFCs) are a family of chemicals suspected of depleting stratospheric ozone and posing several health and environmental risks. EPA is continuing its investigation of the need for further information on CFCs. Statutory Authority: TSCA / 5 USC 2601 CFR:Not yet assigned Small Entity:Not yet determined	Ed Klein EPA (TS-794) Washington, DC 20460 FTS:8-382-3939 COMM:202-382-3939	ANPRM: 45FR66726 (10/07/80) NPRM:Undetermined
Standards for Excluding Small Manufacturers from TSCA 8(a) SAR No. 1529 Docket No. OPTS-8011	Description: Under Section 8(a) of TSCA, EPA can minimize burdens on small businesses by exempting small manufacturers and processors from reporting requirements, unless the chemical manufactured or processed is subject to certain Agency actions. This rule will establish a generic standard to determine which manufacturers may qualify as "small" for the purpose of these exemptions. Statutory Authority: TSCA 8(a) / 15 USC 2607(a) CFR:40 CFR 712 Analysis: RFA Small Entity:Likely	Jeanette Wiltse EPA (TS-778) Washington, DC 20460 FTS:8-382-3832 COMM:202-382-3832	ANPRM: 45FR66180 (09/06/80) NPRM: 47FR27206 (06/23/82) FR: 05/00/83
TSCA Chemical Substances Inventory; Intent to Remove Certain Incorrectly Reported Substances SAR No. 1871	Description: This action would remove twenty-seven incorrectly listed substances from the Toxic Substances Control Act Chemical Substances Inventory. Statutory Authority: TSCA 8(b) / USC CFR:40 CFR 710 Small Entity:Unlikely	Douglas G. Bannerman EPA (TS-799) Washington, DC 20460 FTS:8-554-1404 COMM:202-554-1404	NPRM: 47FR20663 (05/13/82) FR: 11/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
TOXIC SUBSTANCES CONTROL ACT			
Records and Reports of Allegations of Significant Adverse Reactions to Health or the Environment SAR No. 1138 Docket No. OPTS-083001	Description: This regulation implements Section 8(c) of TSCA, which requires that any person who manufacture, process, or distribute a chemical substance or mixture keep records of significant adverse reactions to health or the environment alleged to have been caused by the substance or mixture. Companies must keep employee allegations for thirty years, and all others for five years. This will enable EPA to find patterns of adverse effects and identify previously unknown chemical hazards. Statutory Authority: TSCA 8(c) / 15 USC 2607(c) CFR:40 CFR 717 Analysis: IIA Small Entity:Likely	Jeanette Wiltse EPA (TS-778) Washington, DC 20460 FTS:8-382-3832 COMM:202-382-3832	ANPRM: 42FR56686 (03/11/77) NPRM: 45FR47008 (07/11/80) FR: 01/00/83
Chemical Information Rules; Preliminary Assessment Information; Opportunity for Additional Comment SAR No. 1889 Docket No. OPTS-82004G	Description: This proposed rule has three components: 1) we are proposing that manufacturers report preliminary assessment information for 50 additional chemicals designated by ITC reports five through nine; 2) we are proposing that when customer use information is inadequate, processors provide supplemental information on the 300 chemicals subject to manufactuers report requirements; and 3) we are proposing that manufacturers report automatically on test candidates designated by ITC in the future. Statutory Authority: 15 USC 2607(a) CFR:40 CFR 712 Analysis:IIA Small Entity:Unlikely	Jeanette Wiltse EPA (TS-778) Washington, DC 20460 FTS:8-382-3838 COMM:202-382-3838	NPRM: 47FR27009 (06/22/82) FR: 06/00/83
REVISED REGULATIONS			
Health and Safety Data Reporting — Amendment SAR No. 1887 Docket No. OPTS-84003B	Description: This amendment proposes to add the chemicals recommended by the Interagency Testing Committee (ITC) in their sixth through tenth reports to the final regulations under section 8(d) of TSCA. Statutory Authority: 15 USC 2607(d) CFR:40 CFR 716 Analysis:IIA Small Entity:Unlikely	Jeanette Wiltse EPA (TS-778) Washington, DC 20460 FTS:8-382-3844 COMM:202-382-3844	NPRM: 47FR3880 (09/02/82) FR: 47FR38780 (09/02/82) FR: 04/00/83
PMN Exemption for Site Limited Intermediates and Low Volume Chemicals SAR No. 1820 Docket No. OPTS-50032	Description: Section 5(a) of TSCA requires manufacturers of new chemical substances to submit a premanufacture notice (PMN) to EPA before manufacture or import begins. Section 5(h)(4) authorizes the Administrator to exempt any person from the provisions of section 5 if the Agency determines that the substance will not present an unreasonable risk. This rule would exempt manufacturers of certain chemicals produced at 10,000 kg or less and certain site-limited intermediates from PMN requirements. This revision is being made at the request of the President's Task Force on Regulatory Relief. Statutory Authority: TSCA 5(h)(4) / 15 USC 2604 CFR:40 CFR 723 Analysis:EIS Small Entity:Unlikely	Joseph A. DeSantis EPA (TS-794) Washington, DC 20460 FTS:8-382-3849 COMM:202-382-3849	Notice:46FR54688 (11/03/81) NPRM: 47FR33896 (08/04/82) FR: 04/00/83
PMN Exemption for Polymers SAR No. 1881 Docket No. OPTS-50033	Description: Section 5(a) of TSCA requires manufacturers of new chemical substances to submit a premanufacture notice (PMN) to EPA before manufacture or import begins. Section 5(h)(4) of TSCA authorizes the Administrator to exempt any person from the provisions of section 5 if the Agency determines that the chemical substance will not present an unreasonable risk. This rule would exempt certain polymers from PMN requirements. This revision is being made at the request of the President's Task Force on Regulatory Relief. Statutory Authority: TSCA 5(h)(4) / 15 USC 2604 CFR:40 CFR 723 Analysis:EIS Small Entity:Unlikely	Joseph A. DeSantis EPA (TS-794) Washington, DC 20460 FTS:8-382-3849 COMM:202-382-3849	Notice:46FR54688 (11/03/81) NPRM: 47FR83924 (08/04/82) FR: 04/00/83

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
TOXIC SUBSTANCES CONTROL ACT			
Amendment to the Use Authorization for PCB Railroad Transformers SAR No. 1749 Docket No. OPTS 62020	Description: 40 CFR 761 authorizes the use of polychlorinated biphenyls (PCBs) in railroad transformers until July 1, 1984. Two of the restrictions on this use of PCBs are that these transformers must contain dielectric fluids with a PCB concentration not exceeding 60,000 parts per million (ppm) (6 percent) after January 1, 1982, and not exceeding 1000 ppm (0.1 percent) after January 1, 1984. EPA is proposing to extend the time for compliance with the 6 percent requirement until October 1, 1983, and requesting comment on whether the deadline for achieving the 1000 ppm requirement should be changed. Statutory Authority: TSCA 6(e) / 15 USC 2605(e) CFR: 40 CFR 761 Small Entity:Unlikely	Bill Gunter EPA (TS-794) Washington, DC 20460 FTS:8-382-3973 COMM:202-382-3973	NPRM: 46FR56626 (11/18/81) FR: 11/00/82
Exclusion for Closed System Manufacture of PCBs SAR No. 1796 Docket No. 62017A	Description: In response to a decision by the D.C. Circuit, this action would exclude from the PCB regulation: (1) closed systems and (2) PCB wastes disposed in a manner specified by EPA. "Closed systems" are those in which PCBs are generated and destroyed in a closed process. Statutory Authority: TSCA 6(e) / 15 USC 2605(e) CFR:40 CFR 761 Small Entity:Unlikely	Bill Gunter EPA (TS-794) Washington, DC 20460 FTS:8-382-3933 COMM:202-382-3933	ANPRM: 46FR27617 (05/20/81) NPRM: 47FR24976 (06/08/82) FR: 10/00/82
Incidental Uses of PCBs SAR No. 1913	Description: In response to a decision by the D.C. Circuit, EPA will be evaluating initiatives for addressing the incidental uses of PCBs. This rule covers waste stream products, and air and water releases with measurable quantities of PCBs. Statutory Authority: TSCA 6(e) / 15 USC 2605(e) CFR:40 CFR 761 Small Entity:Not yet determined	Bill Gunter EPA (TS-794) Washington, DC 20460 FTS:8-382-3933 COMM:202-382-3933	NPRM: 10/00/83 FR: Undetermined
CLEAN WATER ACT			

The Clean Water Act (CWA) seeks to maintain and improve water quality through a combination of federal and state regulatory actions and federal support of state and local activities. Title III of the Act provides for EPA to establish technology-based limitations and standards for industrial dischargers, and for States to establish water quality standards applicable to their waters. Enforceable control over dischargers is established principally through permits awarded by EPA or by delegated States under the National Polluant Discharge Elimination System (NPDES). Permit limits for individual dischargers are set to meet both technology requirements and water quality standards. At the request of the President's Task Force on Regulatory Relief, EPA is revising its NPDES requirements as part of the Consolidated Permits revision (see SAR No. 1753 in the "General" section).

Publicly owned treatment works are required to meet at least secondary treatment levels in most cases. A major element of current EPA regulatory activity is to issue industry specific regulations establishing direct discharge limitations for named pollutants at levels specified by the CWA as best practical technology (BPT), best available technology (BAT) and best conventional technology (BCT) — the "effluent guidelines." EPA is also developing standards for new industrial sources and for pretreaters (industrial sources that discharge to municipal waste treatment systems). A substantial portion of this effort is governed by the decree in NRDC v. Gorsuch, as amended 12 ERC 1133 (D.D.C. 1979). EPA also provides financial support under Title II of CWA to construct publicly owned sewage treatment works capable of meeting CWA requirements, and provides grant support to States to plan for and carry into effect the requirements of CWA.

NEW REGULATIONS			
NPDES New Source Application Form SAR No. 1725	Description: The purpose of this action is to develop an NPDES application form for new manufacturing, commercial, mining, and silvicultural operations. Besides obtaining information necessary for setting effluent discharge limitations, it will also help permit writers determine whether the facility is a new source. Statutory Authority: CWA 301 / 33 USC 1311 CFR:40 CFR 122 Analysis: IIA Small Entity:Unlikely	Robert April EPA (EN-336) Washington, DC 20460 FTS:8-426-2970 COMM:202-426-2970	NPRM: 01/00/83 FR: 12/00/83
Requirements for Application for 301(c) Variances SAR No. 1404	Description: Section 301(c) of the Clean Water Act provides for variances on economic grounds of the strict requirements of BAT controls for non-toxic, non-conventional pollutants. This regulation will establish application ground rules and national criteria for granting variances from BAT requirements. Statutory Authority: CWA 301(c) / 33 USC 1311(c) CFR:40 CFR 125 Small Entity:Unlikely	Keith Hinman EPA (PM-220) Washington, DC 20460 FTS:8-382-2769 COMM:202-382-2769	NPRM: 12/00/82 FR: 12/00/83

EPA REGULATIONS UNDER CONSIDERATION

CLEAN WATER ACT

Title	Summary	Contact	Timetable
Waivers from BAT for Nonconventional Pollutants under 301(g) SAR No. 1634	Description: Section 301(g) allows NPDES permit applicants to request a waiver from BAT effluent limitations for nonconventional pollutants when the applicant can show that a less stringent permit limit will not interfere with the attainment or maintenance of water quality and will not endanger human health or the environment. This regulation will establish guidelines for evaluating waiver applications. Statutory Authority: CWA 301(g) / 33 USC 1311(g) CFR:40 CFR 125 F Small Entity:Unlikely	Robert Cantilli EPA (EN-336) Washington, DC 20460 FTS:8-426-7010 COMM:202-426-7010	NPRM: 10/00/83 FR: 10/00/84
Compliance Extension for Innovative Technology for Industrial Discharge SAR No. 1608	Description: Section 301(k) allows industrial dischargers to request an extension of the compliance date for BAT until July 1, 1987 if they will install an innovative technology. This technology must be either (1) superior to BAT or (2) equivalent to BAT and allow significant cost savings. It must also have the potential for industry-wide application. Statutory Authority: CWA 301(k) / 33 USC 1311(k) CFR:40 CFR 125 Small Entity:Unlikely	Marilyn Goode EPA (EN-336) Washington, DC 20460 FTS:8-426-7010 COMM:202-426-7010	ANPRM: 45FR62509 (09/19/80) NPRM: 46FR46597 (09/21/81) FR: 03/00/83
Effluent Guidelines for Metal Finishing SAR No. 1428	Description: Metal finishing concerns 45 different industrial processes, including electroplating, machining, anodizing and painting. The Agency is proposing BPT, BAT, NSPS, and pretreatment standards to regulate the discharge of copper, nickel, zinc, chromium, lead, cadmium, silver, cyanide, total toxic organics, oil and grease, and TSS. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 433 Small Entity:Unlikely	Richard Kinch EPA (WH-552) Washington DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 47FR38462 (08/31/82) FR: 06/00/83
Effluent Guidelines for Organic Chemicals and Plastics and Synthetics SAR No. 1415	Description: The Agency is proposing BPT, BAT, NSPS, and pretreatment standards for the organic chemicals industry (SIC 2865, 2869). Pollutants include aromatic chlorinated hydrocarbons, phenolic compounds, and metals. EPA is also developing proposed BCT, BAT, BPT, NSPS, and pretreatment standards for the plastics and synthetics industry (SIC 2821, 2823, 2824). Pollutants of concern include phenols, benzene, acrolein, acrylimide, ethylbenzene, toluene, and vinyl chloride. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 414, 416 - MAJOR Analysis: RIA, RFA Small Entity:Likely	E.H. Forsht EPA (WH-552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 02/00/83 FR: 03/00/84
Effluent Guidelines for Petroleum Refining SAR No. 1406	Description: The Agency is developing final BAT and BCT for 182 direct dischargers and pretreatment standards for 48 indirect dischargers. Pollutants are chromium, zinc, phenol, and polynuclear aromatic hydrocarbons. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 419 Small Entity:Unlikely	Dennis Ruddy EPA (WH-552) Washington DC 20460 FTS:8-426-4617 COMM:202-426-4617	NPRM: 44FR75926 (12/21/79) FR: 09/00/82
Effluent Guidelines for Nonferrous Metal Manufacturing (Phase I) SAR No. 1410	Description: The Agency is developing BPT, BCT, BAT, NSPS, and PSES for 13 subcategories in the nonferrous metals manufacturing industry. These 13 subcategories include the production of aluminum, copper, lead, silver and zinc and represent a significant fraction of the total wastewater discharged by this industry. The pollutants of concern include cadmium, copper, lead and zinc. Statutory Authority: CWA 301, 304, 308, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 421 Analysis: RFA Small Entity:Likely	James Berlow EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 01/00/83 FR: 01/00/84

EPA REGULATIONS UNDER CONSIDERATION

CLEAN WATER ACT

Title	Summary	Contact	Timetable
Effluent Guidelines for Steam Electric Power Plants SAR No. 1408	Description: The steam electric power industry consists of 1000 plants which produce about 80% of the United States energy supply. The average plant discharges 315 million gallons of wastewater per day. The Agency has proposed BAT limitations on total residual chlorine, chromium, copper and zinc. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 423 Small Entity:Unlikely	William Telliard EPA (WH-522) Washington, DC 20460 FTS:8-426-4617 COMM:202-426-4617	NPRM: 45FR68328 (10/14/80) FR: 11/00/82
Effluent Guidelines for Leather Tanning and Finishing SAR No. 1409	Description: The leather tanning industry consists of 161 indirect and 20 direct dischargers. The Agency is promulgating BPT, BAT, NSPS, and pretreatment standards for eight subcategories. Pollutants of concern are chromium and sulfide. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 425 Small Entity:Likely	Donald F. Anderson EPA (WH-552) Washington, DC 20460 FTS:8-426-2707 COMM:202-426-2707	NPRM: 44FR38746 (07/02/79) FR: 11/00/82
Effluent Guidelines for Pulp, Paper, and Paperboard SAR No. 1419	Description: The Agency is developing final BAT, NSPS and pretreatment standards for this industry. Final BCT effluent limitations will also be established, but on a different schedule. Pulp, paper, and paperboard mills discharge approximately 4.2 billion gallons of wastewater per day. Pollutants of concern are BOD, TSS, chloroform, zinc, and chlorinated phenols. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 430, 431 Small Entity:Unlikely	Robert Dellinger EPA (WH-552) Washington, DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 46FR1430 (01/06/81) FR: 10/00/82 FR:(BCT)04/00/83
Effluent Guidelines for Coal Mining SAR No. 1414	Description: The Agency is revising effluent limitations for BPT and NSPS and promulgating BAT and BCT for runoff and wastewater discharge from coal mines. Pollutants of concern are manganese and iron. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 434 Small Entity:Unlikely	Allison Phillips EPA (WH-552) Washington, DC 20460 FTS:8-426-4617 COMM:202-426-4617	NPRM: 46FR3136 (01/13/81) RPRM: 46FR28873 (05/29/81) FR: 09/00/82
Effluent Guidelines for Offshore Oil and Gas Industry SAR No. 1649	Description: In 1975 the Agency proposed regulations for the offshore oil and gas industry. EPA published a final rule for BPT in 1979 but deferred action on the NSPS and BAT standards. Under a settlement agreement with NRDC, the Agency withdrew the 1975 NSPS proposal and is reproposing NSPS standards. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 435 Small Entity:Not yet determined	Ron Kirby EPA (WH-552) Washington, DC 20460 FTS:8-472-9075 COMM:202-472-9075	NPRM: 05/00/83 FR: 08/00/84
Effluent Guidelines for Pharmaceuticals SAR No. 1427	Description: EPA is proposing effluent limitations for BPT, BCT, BAT, and NSPS standards for this industry. Pollutants discharged by the pharmaceuticals industry include benzene, chloroform, toluene, methylene chloride, cyanide, and heavy metals. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 439 Small Entity:Unlikely	Frank Hund EPA (WH-552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 11/00/82 FR: 09/00/83
Effluent Guidelines for Ore Mining and Dressing Point Source Category SAR No. 1413	Description: The Agency is developing final BAT, BCT, and NSPS effluent limitations for the mining of iron, copper, lead, zinc, gold, silver, molybdenum, aluminum, tungsten, nickel, vanadium, uranium, antimony, and titanium ore. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 441 Small Entity:Unlikely	B. Matthew Jarrett EPA (WH-552) Washington, DC 20460 FTS:8-426-4618 COMM:202-426-4618	NPRM: 47FR25682 (06/14/82) FR: 11/00/82

EPA REGULATIONS UNDER CONSIDERATION

CLEAN WATER ACT

Title	Summary	Contact	Timetable
Effluent Guidelines for Paint Formulation SAR No. 1411	Description: Under the authority of paragraph 8 of the Settlement Agreement the Agency is withdrawing the proposed BAT, NSPS, and pretreatment standards for the caustic and/or water wash subcategory and the pretreatment standards for the solvent wash subcategory. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 446 Small Entity:Unlikely	Robert Dellinger EPA (WH-552) Washington, DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 45FR912 (01/03/80) Notice:10/00/82
Effluent Guidelines for Ink Formulation SAR No. 1411A	Description: Under the authority of paragraph 8 of the Settlement Agreement the Agency is withdrawing the proposed BAT, NSPS, and pretreatment standards for the for the caustic and/or water wash subcategory and the pretreatment standards solvent wash subcategory. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 447 Small Entity:Unlikely	Joseph Vitalis EPA (WH 552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 45FR928 (01/03/80) Notice:12/00/82
Effluent Guidelines for Gum and Wood SAR No. 1425	Description: The Agency will promulgate BPT limitations for one industrial subcategory, sulfate turpentine, and BCT limitations for four subcategories: sulfate turpentine, wood rosin, tall oil, and rosin derivatives. EPA will withdraw proposed BAT and pretreatment standards. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 454 Small Entity:Unlikely	Robert Dellinger EPA (WH-552) Washington, DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 44FR68710 (11/29/80) FR: 02/00/83
Effluent Guidelines for Pesticides SAR No. 1426	Description: EPA is proposing BAT, BPT, BCT, NSPS, and pretreatment controls for manufacturers of pesticides and related products. Pollutants of concern are active ingredient pesticides, organic solvents, and metals. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 455 Analysis: RFA Small Entity:Likely	George Jett EPA (WH-552) Washington DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 11/00/82 FR: 12/00/83
Effluent Guidelines for Battery Manufacturing SAR No. 1434	Description: The Agency is proposing BAT and other standards for seven subcategories of the battery manufacturing industry. Toxic pollutants of concern are mercury, lead, cadmium, nickel, and zinc. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 461 Small Entity:Unlikely	Mary Belefski EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 10/00/82 FR: 06/00/83
Effluent Guidelines for Metal Moulding and Casting (Foundries) SAR No. 1432	Description: The Agency is proposing BPT, BAT and other standards for the aluminum casting, copper casting, iron and steel casting, magnesium casting, lead casting, and zinc casting subcategories. The industry discharges approximately 1,200 lb/day of toxic pollutants. Pollutants of concern include zinc, copper, lead, and phenolic compounds. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 464 Analysis: RFA Small Entity:Likely	Edward L. Dulaney EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 10/00/82 FR: 08/00/83
Effluent Guidelines for Coil Coating SAR No. 1435	Description: The Agency is promulgating BPT, BAT, NSPS and pretreatment standards for steel, galvanized and aluminum coil coating subcategories. Toxic pollutants of concern are chromium, cyanide, copper, lead, nickel, and zinc. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 465 Small Entity:Unlikely	Mary L. Belefski EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 46FR2934 (01/12/81) FR: 11/00/82

EPA REGULATIONS UNDER CONSIDERATION

CLEAN WATER ACT

Title	Summary	Contact	Timetable
Effluent Guidelines for Porcelain Enameling SAR No. 1437	Description: The Agency is promulgating BAT, BPT, NSPS and pretreatment standards for the steel, cast iron, aluminum and copper subcategories. Pollutants of concern are cadmium, chromium, copper, lead, nickel, selenium, and zinc. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 466 Analysis: RFA Small Entity:Likely	Ben Honaker EPA (WH-552) Washington, DC 20460 FTS:8-426-2536 COMM:202-426-2586	NPRM: 46FR8860 (01/27/81) FR: 11/00/82
Effluent Guidelines for Aluminum Forming SAR No. 1438	Description: EPA is proposing BPT, BAT, and other standards for the aluminum forming industry. Pollutants of concern include chromium, zinc, lead, and cyanide. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 467 Small Entity:Unlikely	Janet Goodwin EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 11/00/82 FR: 07/00/83
Effluent Guidelines for Copper Forming SAR No. 1433	Description: The Agency is proposing BPT, BAT, NSPS and pretreatment standards for several subcategories of the copper forming industry. Pollutants of concern include copper, lead, zinc, nickel, and chromium. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 468 Small Entity:Unlikely	David J. Pepson EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 10/00/82 FR: 07/00/83
Effluent Guidelines for Electrical and Electronic Products (Phase I) SAR No. 1431	Description: The Agency is proposing BAT, NSPS, and pretreatment standards for two subcategories of the electronics industry, semi-conductors and electronic crystals. Pollutants of concern are organic solvents, arsenic, and fluoride. Statutory Authority: CWA 301, 304, 306, 307 / 33 USC 1311, 1314, 1316, 1317 CFR:40 CFR 469 Small Entity:Unlikely	David Pepson EPA (WH-552) Washington DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 47FR37048 (08/24/82) FR: 03/00/83
Effluent Guidelines for Electric and Electronic Components (Phase II) SAR No. 1907	Description: The Agency is developing regulations for BPT, BCT, BAT, NSPS, PSES, and PSNS for the electronic tube and phosphorescent coating subcategories in the electric and electronics industry. These regulations are in addition to those proposed on August 24, 1982. Principal pollutants include toxic heavy metals. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 469 Small Entity:Unlikely	John Newbrough EPa (WH-552) Washington, DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 02/00/83 FR: 11/00/83
Effluent Guidelines for Nonferrous Metals (Phase II) SAR No. 1911	Description: The Agency is developing BPT, BAT, BCT, NSPS, PSES, and PSNS for the production and refining of metals from ore for several metals not covered by the Phase I nonferrous regulation. Such metals as beryllium, zinconium, hafnium, platinum, and titanium will be regulated. Principal pollutants considered are primarily toxic metals. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 413 Small Entity:Not yet determined	James Berlow EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 09/00/83 FR: 06/00/84
Effluent Guidelines for Inorganic Chemicals (Phase II) SAR No. 1906	Description: BPT, BCT, BAT, PSES, NSPS, and PSNS limitations will be proposed for 10 product-process subcategories of the inorganic chemicals industry. The largest of the ten subcategories is sodium chlorate. This and other subcategories are in addition to those for which final regulations were issued on June 29, 1982. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1251, 1314, 1316, 1317, 1361 CFR:40 CFR 415 Small Entity:Unlikely	Tom Fielding EPA (WH-552) Washington, DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 09/00/83 FR: 06/00/84

EPA REGULATIONS UNDER CONSIDERATION

CLEAN WATER ACT

Title	Summary	Contact	Timetable
Effluent Guidelines for Plastics Molding and Forming SAR No. 1909	Description: The Agency is developing BPT, BAT, BCT, NSPS, PSES, and PSNS for the plastics molding and forming industry. These limitations will consider the molding and forming of plastics from all plastic materials. This regulation is distinct from the primary manufacture of plastic materials and compounds to be covered by regulations in the plastics molding and forming category. The pollutants of concern include cadmium, chromium, lead, nickel, zinc, phenols and several other organics. Statutory Authority: CWA 301, 304, 307, 308, 501 / 33 USC CFR:40 CFR 463 Small Entity:Not yet determined	Robert Southworth EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 10/00/83 FR: 06/00/84
Effluent Guidelines for Adhesives and Sealants SAR No. 1910	Description: The Agency is investigating the ability to prepare national effluent limitations and standards. EPA expects to propose either specific standards for existing and new sources, or exclude the industry from regulation under the NRDC Consent Decree. There are unique analytical and technical problems in this industry, which is characterized by highly variable low volume organic waste streams. Statutory Authority: CWA 301, 304, 307, 308, 501 CFR:40 CFR 463 Small Entity:Not yet determined	Elwood Forsht EPA (WH-552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 02/00/83 FR: 11/00/83
Effluent Guidelines for Coil Coating (Can Making) SAR No. 1912	Description: The Agency is developing BPT, BAT, BCT, NSPS, PSES, and PSNS for the 2 piece can making industry. These limitations will consider the manufacture of 2 piece cans (such as those used for beverage containers) and will be promulgated as subcategories under the coil coating regulation. Pollutants of concern include chromium, oil and grease, and toxic organics. Statutory Authority: CWA 301, 304, 307, 308, 501 CFR:40 CFR 465 Small Entity:Unlikely	Mary Belefski EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 01/00/83 FR: 10/00/83
Effluent Guidelines for Nonferrous Metals Forming SAR No. 1908	Description: The Agency is developing BPT, BAT, BCT, NSPS, PSES, and PSNS for the forming (rolling, drawing, etc.) of nonferrous metals other than copper and aluminum. These limitations will apply to wastewater generated by these operations. Pollutants of concern include cadmium, chromium, lead, nickel, zinc, and toxic organics. Statutory Authority: CWA 301, 304, 307, 308, 501 CFR:40 CFR 471 Small Entity:Not yet determined	Janet Goodwin EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 09/00/83 FR: 06/00/84
Removal of Oil and Hazardous Substance Discharges SAR No. 1544	Description: This regulation sets forth the methods and procedures for the removal of oil and hazardous substances from inland waters of the United States, excluding the Great Lakes. Key elements of the regulation are voluntary removal guidelines for the proper removal and disposal of oil and hazardous substance discharges and mandatory provisions governing the use of chemical agents applied to discharges. Statutory Authority: CWA 311 / 33 USC 1321 CFR:40 CFR 111 Small Entity:Unlikely	Jack Kooyoomjian EPA (WH-548) Washington, DC 20460 RCRA/Superfund Hotline 800-424-9346 FTS:8-382-3000	NPRM: 45FR84942 (12/23/80) FR: Undetermined
Hazardous Substances Pollution Prevention for Facilities Subject to Permitting Requirements of Section 402 SAR No. 1451	Description: This regulation's purpose is to prevent spills of hazardous substances into navigable waters. It sets forth requirements for the Spills Prevention Control and Countermeasure Plans for facilities which (a) are not related to transportation, (b) which store, manufacture or otherwise handle hazardous substances at their facilities, and (c) are subject to NPDES permits. The Agency will likely exempt any small facilities which store less than ten times the reportable quantities of spilled, hazardous substances. Statutory Authority: CWA 311(j)(1)(C) / 33 USC 1321(j)(1)(C) CFR:40 CFR 151 Small Entity:Likely	Steve Heare EPA (WH-548) Washington DC 20460 RCRA/Superfund Hotline 800-424-9346 FTS:8-382-3000	NPRM: 43FR39276 (09/01/78) RPRM:Undetermined

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
CLEAN WATER ACT			
Consolidated Permits: NPDES Issues SAR No. 1901	Description: This action would implement the NPDES issues in the settlement agreement signed on June 7, 1982 in NRDC v. EPA. The NPDES issues involve requirements for water discharge permits under the NPDES program. Statutory Authority: CWA 402 CFR:40 CFR 122–124 Small Entity:Unlikely	George Young EPA (EN-336) Washington, DC 20460 FTS:8–426–4793 COMM:202–426–4793	NPRM: 10/00/82 FR: 03/00/83
Sewage Sludge Disposal Guidelines SAR No. 1914	Description: Regulations and/or nonregulatory guidance will provide guidelines for the disposal and use of wastewater treatment plant sludge. Statutory Authority: CWA 405(d) / 33 USC 1345 CFR:Not yet determined Small Entity:Not yet determined	David Davis EPA (WH-556) Washington DC 20460 FTS:8–382–5683 COMM:202–382–5683	NPRM:Undetermined
REVISED REGULATIONS			
Revisions to Water Quality Management Regulations SAR No. 1802	Description: The Clean Water Act authorizes EPA to provide grants and other assistance to States and other governmental jurisdictions to develop water quality management programs. EPA is revising the existing regulations to simplify the requirements and to remove any aspects of the regulations that are unduly detailed or inflexible. Statutory Authority: CWA 106, 208, 303 / 33 USC 1256, 1288,1313 CFR:40 CFR 35 G Small Entity:Unlikely	Carl Myers EPA (WH-554) Washington, DC 20460 FTS:8–755–7003 COMM:202–755–7003	NPRM: 10/00/82 FR: 01/00/83
Simplifying Construction Grants Regulations SAR No. 1722 Docket No. G-81–5	Description: An interim final regulation simplifying the requirements of the existing construction grants regulations and providing more flexibility in meeting revised requirements was published May 12, 1982. Rather than mandating how grantees must meet the goals of the regulations, this revision allows grantees to choose the most cost-effective ways to achieve these goals. Statutory Authority: CWA 201, 501 / 33 USC 1361 CFR:40 CFR 35 Small Entity:Unlikely	Roger Rihm EPA (WH-546) Washington, DC 20460 FTS:8–426–8973 COMM:202–426–8973	NPRM: 46FR55220 (11/06/81) IFR: 47FR20450 (05/12/82) NPRM: 47FR20470 (05/12/82) FR: 10/00/82
Construction Grants Program Delegation to States SAR No. 1846	Description: These proposed revisions to the existing regulation governing construction grant program delegation to States under Section 205(g) of the Clean Water Act (40 CFR 35, subpart F) are needed to simplify delegation agreement requirements, establish a more systematic EPA oversight approach, and to fit into the proposed regulation for State Financial Assistance for Continuing Environmental Programs (40 CFR 35, Subpart A), 47FR25912 (June 15, 1982). The proposed regulation (40 CFR 35, Subpart J) includes only delegation agreement and oversight requirements. It will provide greater flexibility to States and EPA Regions to manage delegation while maintaining continuity in the 205(g) grant process. Statutory Authority: CWA 205(g) / 33 USC 1251 CFR:40 CFR 35 F Small Entity:Unlikely	Carl Reeverts EPA (WH-546) Washington, DC 20460 FTS:8–426–8990 COMM:202–426–8990	NPRM: 47FR42591 (09/28/82) FR: 12/00/82
Modification of Secondary Treatment Requirements for Discharge into Marine Waters SAR No. 1743	Description: Section 301(h) provides municipal dischargers to marine waters an opportunity to obtain a variance from secondary treatment requirements if statutory criteria are met. EPA is amending the 301(h) regulations to extend the deadline for new applications to provide for a one-time opportunity to revise 301(h) applications, to simplify application data requirements, and to reduce the cost burden for small applicants. Statutory Authority: CWA 301(h) / 33 USC 1311 CFR:40 CFR 124, 125 G Small Entity:Unlikely	Robert Zeller EPA (WH-546) Washington, DC 20460 FTS:8–755–9231 COMM:202–755–9231	NPRM: 47FR24921 (06/08/82) FR: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

CLEAN WATER ACT

Title	Summary	Contact	Timetable
Revision to BAT for Inorganic Chemicals SAR No. 1751	Description: In response to industry request, EPA is reconsidering the necessity for zero discharge in BAT regulations for the following three subcategories: sodium chloride, calcium chloride, and sodium sulfide. Since toxic pollutants are not present in these subcategories, the costs to achieve the zero discharge required by BAT may not be reasonable. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 415 Small Entity:Unlikely	Thomas Fielding EPA (WH-552) Washington, DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 01/00/83 FR: 07/00/83
Effluent Guidelines for Rubber Processing SAR No. 1420	Description: EPA has proposed to withdraw BAT and substitute limits for COD and metals equivalent to BPT for nine subcategories. Lead limits for three subcategories were studied and revisions to these limits are being made. Rubber reclaimers covered by subparts H and I are being re-examined for BCT, BAT, and NSPS regulations. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 415 Small Entity:Unlikely	J.S. Vitalis EPA (WH-552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 44FR75016 (12/18/79) FR: 12/00/82
Water Quality Standards Regulations SAR No. 1441	Description: EPA is revising its water quality standards regulations to improve the management of the program. The revision will ensure that the process for setting water quality standards takes into account appropriate data and analysis, scientific peer review and participation of the affected public. The revision will allow EPA and the States to more effectively meet the requirements of the Clean Water Act. Statutory Authority: CWA 303 / 33 USC 1313 CFR:40 CFR 35.1550 Small Entity:Unlikely	David Sabock EPA (WH-585) Washington DC 20460 FTS:8-245-3042 COMM:202-245-3042	ANPRM: 43FR29588 (07/10/78) NPRM: 10/00/82 FR: Undetermined
Amendment to Secondary Treatment Regulations SAR No. 1657 Docket No. G-81-3	Description: We are considering redefining the level of effluent quality attainable by publicly owned treatment works (POTWs) through the application of secondary treatment technology. These possible revisions, which in large part implement 1981 amendments of the Clean Water Act, may include specific numerical levels or criteria for adjusting POTW effluent limits to levels that can be attained through certain kinds of treatment technologies. Statutory Authority: CWA 304(d)(1) / 33 USC 1314(d)(1) CFR:40 CFR 133 Small Entity:Unlikely	Charles Mooar EPA (WH-595) Washington, D.C. 20460 FTS:8-426-8973 COMM:202-426-8973	NPRM: 01/00/83 FR: Undetermined
Revision of the Best Conventional Technology (BCT) Cost Test and BCT Effluent Guidelines SAR No. 1752	Description: EPA is revising the cost reasonableness test for BCT effluent limitations for primary and secondary industries, primarily food processors and light manufacturers. EPA will also propose new BCT limitations for the affected industries, including seafood processing and meat packing, pulp and paper, timber, metal finishing, inorganic chemicals, ore mining, and leather tanning. EPA issued a notice withdrawing the existing BCT limitations on February 17, 1982 (47 FR 6835). EPA is making these revisions in response to a court decision. This revision also fulfills the request for review of the program by the President's Task Force on Regulatory Relief. Statutory Authority: CWA 304 / 33 USC 1314 CFR:40 CFR 405, 406, 407, 408, 409, 411,412, 415, 422, 424, 425, 426, 429, 430, 431, 432, 433, 440 Analysis: RFA Small Entity:Likely	Renee Rico EPA (WH-586) Washington, DC 20460 FTS:8-382-5386 COMM:202-382-5386	NPRM: 10/00/82 FR: 07/00/83

EPA REGULATIONS UNDER CONSIDERATION

CLEAN WATER ACT

Title	Summary	Contact	Timetable
Revision to General Pretreatment Regulations: Reforms SAR No. 1900	Description: The Agency is preparing revisions to the Pretreatment Regulations which will include revisions to decrease paperwork requirements. These revisions fulfill the request for review of the program by the President's Task Force on Regulatory Relief. Statutory Authority: CWA 307 / 33 USC 1317 CFR:40 CFR 403 Small Entity:Unlikely	William R. Diamond EPA (EN-336) Washington, DC 20460 FTS:8-426-4793 COMM:202-426-4793	NPRM: 01/00/83 FR: 10/00/83
Revisions to General Pretreatment Regulations: Removal Credits SAR No. 1866	Description: Based on the Agency review of the Pretreatment Program, at the request of the President's Task Force on Regulatory Relief, EPA is proposing revisions in the removal credits section and technical amendments to the combined wastestream formula. These proposals clarify the provisions, give added flexibility to cities and reduce the burden of utilizing these mechanisms. Statutory Authority: CWA 307 /33 USC 1317 CFR:40 CFR 403.7 Small Entity:Unlikely	Bill Diamond EPA (EN-336) Washington, DC 20460 FTS:8-426-4793 COMM:202-426-4793	NPRM: 47FR42698 (09/28/82) FR: 05/00/83
Discharge of Oil SAR No. 1579	Description: This revision will extend reporting requirements for oil to 200 miles offshore. It will also provide for exemptions from reporting requirements. Statutory Authority: CWA 311(b) / 33 USC 1321(b) CFR:40 CFR 110 Small Entity:Not yet determined	Jack Kooyoomjian EPA (WH-548) Washington, DC 20460 RCRA/Superfund Hotline 800-424-9346 FTS:8-382-3000	NPRM:Undetermined
Oil Pollution Prevention Regulation SAR No. 1584	Description: This revision to 40 CFR 112 will include exemptions from reporting requirements and will extend EPA's oil pollution authority from three miles to two hundred miles offshore. This revision does not affect the existing exemption for facilities that store 1,320 gallons or less. Statutory Authority: CWA 311(j)(1)(C) / 33 USC 1321(j)(1)(C) CFR:40 CFR 112 Small Entity:Unlikely	Steve Heare EPA (WH-548) Washington DC 20460 RCRA/Superfund Hotline 800-424-9346 FTS:8-382-3000	NPRM: 45FR33814 (05/20/80) FR: Undetermined
Revisions to NPDES Regulations: Regulatory Reform SAR No. 1868	Description: These revisions are being proposed to streamline permit program requirements and ease burdens upon the public by eliminating regulations not mandated by law or essential to good program implementation; by expediting procedures where appropriate; by reducing unnecessary reporting requirements; and by promoting assumption of NPDES authority by States. These revisions are being made at the request of the President's Task Force on Regulatory Relief. Statutory Authority: CWA 402 / 33 USC 1251 CFR:40 CFR 122, 123, 125 Small Entity:Unlikely	Georgia Callahan EPA (EN-336) Washington, DC 20460 FTS:8-426-4793 COMM:202-426-4793	NPRM: 10/00/82 FR: 04/00/83
Revisions to 404 Regulations SAR No. 1585	Description: These regulations revise section 404(b)(1) environmental guidelines to implement reforms recommended by the President's Task Force on Regulatory Relief. These revisions will also update testing and evaluation procedures. An ANPRM was published to request information to identify appropriate areas for reform. Statutory Authority: CWA 404(b)(1) / 33 USC 1344(b)(1) CFR:40 CFR 230 Small Entity:Not yet determined	Suzanne Schwartz EPA (WH-585) Washington, DC 20460 FTS:8-472-3400 COMM:202-472-3400	ANPRM: 47FR36798 (08/23/82) NPRM: 12/00/82 FR: 06/00/83
Revision of Ocean Dumping Criteria SAR No. 1604	Description: A proposed regulation will be issued to address changes in the regulations required by court action, i.e., NYC vs. EPA. An ANPRM will be developed to solicit public comments on other changes to the current Ocean Dumping regulation including dredged material, low level radioactive waste and incineration at sea requirements. Complete reorganization and a rewrite of the current regualtions will follow based on comments received. Statutory Authority: MPRSA / 33 USC 1401 et seq. CFR:40 CFR 220-29 Small Entity:Not yet determined	T. A. Wastler EPA (WH-585) Washington DC 20460 FTS:8-755-0356 COMM:202-755-0356	ANPRM: 01/00/83 NPRM: 01/00/83 FR: 08/00/83 NPRM: 10/00/83

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable

ATOMIC ENERGY ACT

Reorganization Plan No. 3 of 1970 transferred to EPA the authorities of the Federal Radiation Council. This included authority to develop guidance for other federal agencies to follow in limiting radiation exposures. This guidance is issued by the President. Additionally, EPA was given authority, under the Atomic Energy Act, to establish generally applicable environmental standards to protect public health from exposure to radiation. The NRC, the Department of Energy, and other federal agencies are responsible for implementing and enforcing these standards.

EPA is also developing regulations for clean up and disposal of uranium mill tailingΘΘ piles under the Uranium Mill Tailings Radiation Control Act of 1978.

NEW REGULATIONS

Guidance for Occupational Radiation Exposure SAR No. 1161 Docket No. A-79-46	Description: This guidance would update existing (1960) radiation occupational exposure limits for all workers except radiation exposure to uranium miners. It would lower allowable exposure per year and cumulative lifetime exposure. It also would provide a graded (tier) system of radiation protection for each of three ranges of exposure. Statutory Authority: AEA 274(h);Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR:Not applicable Small Entity:Unlikely	Allan Richardson EPA (ANR 460) Washington, DC 20460 FTS:8-557-8927 COMM:703-557-8927	ANPRM: 44FR53785 (09/17/79) NPRM: 46FR7836 (01/23/81) FR: 09/00/83
Transuranic Elements SAR No. 1162	Description: This guidance to Federal Agencies will establish dose rate limits for people exposed to transuranic elements in the general environment. The guidance considers both human inhalation and ingestion of transuranium elements and establishes a maximum dose rate to lungs and bones for members of the general population. This dose rate limit can be associated with an estimated maximum risk of one additional death per million persons continuously exposed at this rate per year. Guidance is undergoing interagency review. Statutory Authority: AEA 274(h); Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR:Not applicable Small Entity:Unlikely	Gordon Burley EPA (ANR-460) Washington, DC 20460 FTS:8-557-0740 COMM:703-557-0740	NPRM: 42FR60956 (11/30/77) FR: 12/00/82
Radiofrequency Radiation Guidance SAR No. 1525	Description: This guidance will serve to limit exposure of the general public to radiofrequency radiation, which poses a potential health risk. Statutory Authority: AEA 274(h); Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR:Not applicable Analysis: EIS Small Entity:Not yet determined	Norbert Hankin EPA (ANR-461) Washington DC 20460 FTS:8-557-7390 COMM:703-557-7390	ANPRM: 10/00/82 NPRM: 09/00/83
Environmental Protection Standards for High-level Radioactive Waste SAR No. 1163	Description: EPA is developing environmental standards which state the public health and environmental requirements to be met for disposal of high-level radioactive waste. These consist of general design and site selection principles as well as numeric performance requirements for high-level waste repositories. DOE and NRC will use EPA's regulation to set their standards to govern the licensing, design and operation of permanent high-level radioactive waste disposal facilities. Statutory Authority: AEA 274(h); Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR:40 CFR 191 - MAJOR Analysis: EIS Small Entity:Unlikely	Dan Egan EPA (ANR-460) Washington, DC 20460 FTS:8-557-8610 COMM:703-557-8610	ANPRM: 41FR53363 (12/06/76) NPRM: 10/00/82 FR: 10/00/83
Environmental Protection Standards for Low-Level Radioactive Waste SAR No. 1727	Description: The National Radioactive Waste Management Program requires the development of a standard for disposal of other-than-high-level radioactive wastes. These include all radioactive wastes except high-level radioactive wastes, high-activity transuranic-contaminated wastes, uranium mill tailings, and wastes regulated under the Resource Conservation and Recovery Act of 1976. Statutory Authority: AEA 274(h), Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR:40 CFR 193 Small Entity:Unlikely	Floyd Galpin EPA (ANR-460) Washington, DC 20460 FTS:8-557-8977 COMM:703-557-8977	ANPRM: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
ATOMIC ENERGY ACT			
Remedial Action Standards for Inactive Uranium Processing Sites SAR No. 1166 Docket No. A-79-25	Description: This regulation defines standards for the clean-up and disposal of uranium mill tailings from inactive sites. Based on the EPA standards, the Department of Energy will take remedial action. Statutory Authority: UMTRCA 206, AEA 275 / 42 USC 2022 CFR:40 CFR 192 Analysis: EIS Small Entity:Unlikely	Stan Lichtman EPA (ANR-460) Washington, DC 20460 FTS:8-557-8927 COMM:703-557-8927	NPRM: 45FR27370 (04/22/80) NPRM: 46FR2556 (01/19/81) IFR: 45FR27366 (04/22/80) FR: 10/00/82
Environmental Standards for Active Uranium Mill Processing Sites SAR No. 1166A	Description: The Administrator is required to issue generally applicable standards for protecting the public health and safety, and the environment, from certain radiological and nonradiological hazards of uranium. These are the hazards associated with processing, keeping, transferring and disposing of uranium byproduct material at sites which either (a) process the uranium ore primarily for its source material content or (b) dispose of the uranium byproduct material. Statutory Authority: UMTRCA 206, AEA 275(b) / 42 USC 2022(b) CFR:40 CFR 192 Analysis: RIA, EIS Small Entity:Unlikely	John Russell EPA (ANR-460) Washington, DC 20460 FTS:8-557-8610 COMM:703-557-8610	NPRM: 10/00/82 FR: 10/00/83

SAFE DRINKING WATER ACT

The Safe Drinking Water Act of 1974 requires EPA to establish primary and secondary drinking water requlations for public drinking water supplies. Primary regulations are aimed at protecting public health. They establish maximum allowable contaminent levels in drinking water, provide for water treatment technologies, and set general criteria for water treatment technologies, and water supply system operation. Secondary regulations deal with the taste, odor, and appearance of drinking water. The Act also provides for protection of groundwater through controls over injection wells under the Underground Injection Control (UIC) program. EPA delegates primary responsibility for both public water supply and UIC programs to the States under specified conditions, and supports State programs through grants.

Title	Summary	Contact	Timetable
NEW REGULATIONS			
Maximum Contaminant Levels for Volatile Organic Chemicals Found in Drinking Water SAR No. 1567	Description: EPA is considering several possible approaches for reducing exposure to certain volatile synthetic organic compounds (VOCs). These VOCs have been most commonly found in drinking water drawn from groundwater sources. These chemicals include such compounds as trichloroethylene, tetrachloroethylene, and vinyl chloride. Aeration and granular activated carbon (GAC) systems are treatment technologies that can reduce these contaminants to a low level. Preliminary estimates show that average residential monthly bills for affected systems could rise from $1-$14 depending on the size of the drinking water system and the type of technology selected. The Agency will promulgate recommended Maximum Contaminant Levels (RMCLs) before it promulgates the Maximum Contaminant Levels (MCLs). Statutory Authority: SDWA 1412 / 42 USC 300g-1 CFR:40 CFR 141 Analysis: RFA, IIA Small Entity:Not yet determined	Joseph Cotruvo EPA (WH-550) Washington, DC 20460 FTS:8-472-5030 COMM:202-472-5030	ANPRM: 41FR23991 (07/14/76) ANPRM: 47FR9350 (03/04/82) NPRM: 03/00/83
Underground Injection Control Program: Indian Lands SAR No. 1865	Description: This revision will amend the Consolidated Permit Regulations to allow more flexibility to the Agency in prescribing Class II Underground Injection programs for Indian lands. The revision will: (1) take into account amendments to the SDWA which allows a State to make an alternative demonstration in order to gain EPA's approval for its Class II program and (2) give special consideration to the expressed interests and desires of the affected tribal government when prescribing a Federal program for the reservation. Statutory Authority: SDWA 1412 / 42 USC 300(f) CFR:40 CFR 122 Small Entity:Unlikely	Thomas Belk EPA (WH-550) Washington, DC 20460 FTS:8-426-3934 COMM:202-426-3934	NPRM: 47FR17578 (04/23/82) FR: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
SAFE DRINKING WATER ACT			
REVISED REGULATIONS			
Revised Primary Drinking Water Regulations SAR No. 1755	Description: The monitoring requirements and MCLs in the National Interim Primary Drinking Water Regulations will be comprehensively reviewed for inorganic and organic compounds, microbiological contaminants and turbidity and radionuclides. EPA will conduct an assessment of exposure, analytical methods, potential health effects, and the performance and costs of treatment technologies. The Agency will promulgate Recommended Maximum Contaminant Levels (RMCLs) before it promulgates the Maximum Contaminant Levels (MCLs). Statutory Authority: SDWA 1412 / 42 USC 300g-1 CFR:40 CFR 141 Analysis: RFA, IIA Small Entity:Likely	Joseph Cotruvo EPA (WH-550) Washington, DC 20460 FTS:8-472-5016 COMM:202-472-5016	ANPRM: 01/00/83 NPRM: 10/00/83
Revised Primary Drinking Water Regulations: Fluoride SAR No. 1756	Description: The Agency will assess the maximum contaminant level (MCL) for fluoride in the National Interim Primary Drinking Water Regulations to determine if it reflects potential health effects and the performance and cost of available treatment technologies. Based on statutory requirements and recent technical information, the Agency is considering numerous options. Statutory Authority: SDWA 1412 / 42 USC 300g-1 CFR:40 CFR 141 Analysis: RFA, IIA Small Entity:Likely	Joseph Cotruvo EPA (WH-550) Washington, DC 20460 FTS:8-472-5016 COMM:202-472-5016	NPRM: 02/00/83
Amendment to National Interim Primary Drinking Water Implementation Regulations: Trihalomethanes (TTHM) SAR No. 1757	Description: EPA will amend the TTHM implementation regulations under section 1415 (a)(1)(A) to include available treatment technology (taking costs into consideration) for controlling TTHMs. Statutory Authority: SDWA 1415 / 42 USC 300g-4 CFR:40 CFR 142 Small Entity:Unlikely	Joseph Cotruvo EPA (WH-550) Washington, DC 20460 FTS:8-472-5016 COMM:202-472-5016	NPRM 47FR9796 (03/05/82) FR: 01/00/83
NOISE CONTROL ACT			
REVISED REGULATIONS			
Rescission of Noise Emission Standards for Truck-Mounted Solid Waste Compactors SAR No. 1848	Description: This action would rescind the noise emission regulation for truck-mounted solid waste compactors. It would also withdraw these compactors from EPA's list of major sources of noise. Statutory Authority: NCA 5, 6 / 42 USC 4904, 4905 CFR:40 CFR 205 F Small Entity:Unlikely	OANR EPA (ANR-443) Washington, DC 20460 FTS:8-755-2640 COMM:202-755-2640	NPRM: 09/00/82 FR: 01/00/83
Revocation of Recordkeeping and Reporting Requirements SAR No. 1759	Description: This action will revoke the recordkeeping and reporting requirements for EPA's noise regulations. It will reduce unnecessary regulatory burdens on industry. Statutory Authority: NCA 5, 6, 8 / 42 USC 4904, 4905, 4907 CFR:40 CFR 203, 204, 205 Small Entity:Unlikely	OANR EPA (ANR-443) Washington, DC 20460 FTS:8-755-2640 COMM:703-755-2640	NPRM: 46FR44476 (08/14/81) FR: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable

RESOURCE CONSERVATION AND RECOVERY ACT

The primary goals of the Resource Conservation and Recovery Act are: 1) to improve the management of solid wastes in order to protect human health and the environment, and 2) to conserve valuable material and energy resources. The Act also calls for State programs authorized by EPA to regulate hazardous waste management from generation through disposal, and for the States to regulate the disposal on land of all other solid wastes in accordance with minimum Federal criteria. EPA's regulations in large part exempt businesses that generate less than 1000 kg. of hazardous waste per month. EPA issued final regulations implementing most of Subtitle C on hazardous waste management in May 1980. Most of the regulatory actions identified below consist of revisions and amendments to those regulations.

For further information on EPA's implementation of RCRA, please contact the toll free RCRA Hotline at (800) 424-9346.

NEW REGULATIONS

Standards for the Management of Specific Hazardous Wastes: Waste Oil SAR No. 1713 Docket No. 3012	Description: In 1978, EPA proposed the listing of certain waste oils as hazardous wastes and proposed a set of standards applicable to the transportation, storage, treatment, recycling, and disposal of these and other waste oils. EPA is reproposing this listing and the corresponding regulations because of the many new and revised provisions which have not undergone public review. Statutory Authority: RCRA 3001, 3012 / 42 USC 6921, 6932 CFR:40 CFR 266 – MAJOR Analysis: IIA, RFA, RIA Small Entity:Likely	Michael Petruska EPA (WH-565) Washington, DC 20460 FTS:8-382-4788 COMM:202-382-4788	NPRM: 43FR58946 (12/18/78) RPRM: 10/00/83
Guideline for Federal Procurement of Cement and Concrete Containing Fly Ash SAR No. 1200 Docket No. 6002(e)	Description: Section 6002 requires procurement agencies using Federal funds to purchase items composed of the highest percentage of recovered materials practicable. This guideline would recommend that procuring agencies include provisions in construction contracts which allow use of fly ash as a partial cement replacement. Fly ash is a residue from coal combustion. This guideline will stimulate greater recovery and reuse of fly ash, while reducing energy and material costs for cement and concrete. Statutory Authority: RCRA 6002(e) / 42 USC 6962(e) CFR:40 CFR 249 Small Entity:Unlikely	John Heffelfinger EPA (WH-565) Washington DC 20460 FTS:8-382-4793 COMM:202-382-4793	NPRM: 45FR76906 (11/20/80) FR: 10/00/82

REVISED REGULATIONS

Identification and Listing of Hazardous Waste: Delisting Procedures SAR No. 1838 Docket No. 3001	Description: This action makes some minor changes to streamline the existing procedures for delisting wastes that were listed solely because they exhibit a hazardous waste characteristic. The regulation also streamlines the procedure for changing the status of wastes listed because they are acutely hazardous. Statutory Authority: RCRA 3001 / 42 USC 6921 CFR:40 CFR 260 Small Entity:Unlikely	Matthew Straus EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	NPRM: 46FR33066 (05/19/80) FR: 10/00/82
Identification and Listing of Hazardous Waste: Definition of Solid Waste SAR No. 1191 Docket No. 3001	Description: This action would modify the definition of solid waste and the applicability of RCRA standards to recycled solid wastes. It would regulate those recycling activities which have posed an environmental threat. It will substantially reduce the regulatory burden for recycling. Some materials presently defined as wastes may be excluded from the RCRA system and others, presently excluded, may be subject to some level of control. EPA has already issued interim final amendments exempting spent pickle liquors when reused (46 FR 44970, 9/8/81). Statutory Authority: RCRA 3001 / 42 USC 6921 CFR:40 CFR 261.2, 261.6 Small Entity:Unlikely	Matthew Straus EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	NPRM: 12/00/82 FR: Undetermined
Identification and Listing of Hazardous Waste: Mixtures Rule SAR No. 1760 Docket No. 3001	Description: The "mixture rule" establishes the presumption that certain mixtures of hazardous and solid wastes are hazardous. EPA has issued an interim final rule which excludes from this presumption of hazardousness certain dilute mixtures from facilities regulated under sections 402 or 307(b) of the Clean Water Act. In addition, mixtures of solid and hazardous wastes listed in subpart D solely because they exhibit a characteristic of hazardous waste (e.g., ignitability, corrosivity, reactivity) are no longer considered hazardous if they do not meet the hazardous waste characteristics. Statutory Authority: RCRA 3001 / 42 USC 6921 CFR:40 CFR 261.3 Small Entity:Unlikely	Judith Bellin EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	IFR: 46FR56582 (11/17/81) FR: Undetermined

EPA REGULATIONS UNDER CONSIDERATION

RESOURCE CONSERVATION AND RECOVERY ACT

Title	Summary	Contact	Timetable
Identification and Listing of Hazardous Waste: Exemption for Waste Samples SAR No. 1765 Docket No. 3001/ Samples Exemption	Description: EPA issued an interim final rule that conditionally exempts from regulation waste and other samples collected for the purpose of monitoring or testing. Facilities that test materials to determine if they are "hazardous" are not required to obtain a RCRA permit in certain circumstances, provided that they meet certain minimum requirements. Statutory Authority: RCRA 3001 / 42 USC 6921 CFR:40 CFR 261.4 Small Entity:Unlikely	Claire Welty EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:919-755-9187	IFR: 46FR47426 (09/25/81) FR: Undetermined
Identification and Listing of Hazardous Waste: Hexavalant Chromium Modification SAR No. 1761 Docket No. 3001	Description: This action modifies the hazardous waste characteristics of extraction procedure (EP) toxicity. It amends the existing regulation (which regulates on the basis of total chromium) to a standard based on hexavalent chromium (CR (+6)). This is the valence state of chromium which is of environmental concern. The regulation also includes a test method for determining CR(+6). This amendment will reduce the regulatory burden for many wastes. Statutory Authority: RCRA 3001 / 42 USC 6921 CFR:40 CFR 261.24 Small Entity:Unlikely	David Friedman EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	NPRM: 45FR72029 (10/30/80) FR: 12/00/82
Identification and Listing of Hazardous Waste: Laboratory Wastes SAR No. 1841 Docket No. 3001	Description: EPA is considering modifying the list of hazardous wastes in Part 261 to ease administrative compliance burdens on laboratories. Laboratories generate small quantities of a large variety of wastes and seem to have some unique hazardous waste management problems. Part 264 regulations affecting labs may be amended as well. Statutory Authority: RCRA 3001, 3002, 3004 / 42 USC 6921, 6922, 6924 CFR:40 CFR 261, 264 Small Entity:Unlikely	Claire Welty EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	NPRM:Undetermined
Identification and Listing of Hazardous Waste: Product Storage Requirements SAR No. 1764 Docket No. 3001	Description: The interim final regulation provides that, in general, hazardous waste which is generated in a product or raw material storage tank is not subject to regulation until: (1) it leaves the unit where it was generated, or (2) a 90 day period is completed. EPA is considering lengthening the exemption period under specific conditions. Statutory Authority: RCRA 3001 / 42 USC 6921 CFR:40 CFR 261.4(c) Small Entity:Unlikely	Claire Welty EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	IFR: 45FR72024 (10/30/80) FR: Undetermined
Identification and Listing of Hazadous Waste: Revise and Expand Solvent Listings SAR No. 1858 Docket No. 3001	Description: These listings will expand the present F001-F005 hazardous waste listings. EPA will also resolve the issue of which solvent mixtures should be regulated. Statutory Authority: RCRA 3001 CFR:40 CFR 261.31, 261.32 Analysis:RIA, EIA Small Entity:Likely	Jacqueline Sales EPA (WH-565B) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	NPRM: 08/00/83 FR: 04/00/84
Identification and Listing of Hazardous Waste: Chlorinated dioxins and Chlorinated dibenzofurans SAR No. 1863 Docket No. 3001	Description: Existing regulations include a list of hazardous wastes. This action modifies this list to add particular wastes containing certain chlorinated dibenzo-p-dioxins and dibenzofurans, chlorophenyls, phenoxy acids, amines, and esters derived from these chlorophenols. These contaminants are among the most toxic known, and consequently these wastes are of particular environmental concern. Statutory Authority: RCRA 3001 CFR:40 CFR 261.31, 261.32 Small Entity:Unlikely	Judith Bellin EPA (WH-565B) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	NPRM: 12/00/82 FR: Undetermined

EPA REGULATIONS UNDER CONSIDERATION

RESOURCE CONSERVATION AND RECOVERY ACT

Title	Summary	Contact	Timetable
Identification and Listing of Hazardous Waste: Residuals from Production of C1-C6 Chlorinated Aliphatic Compounds SAR No. 1854 Docket No. 3001	Description: This action will add to the list of hazardous wastes, the organic residuals from the production of chlorinated aliphatic hydrocarbons having chain lengths of one to five. Statutory Authority: RCRA 3001 CFR:40 CFR 261.32 Small Entity:Unlikely	David Friedman EPA (WH-565B) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	IFR: 03/00/83
Identification and Listing of Hazardous Waste: Warfarin and Zinc Phosphide SAR No. 1880 Docket No. 3001	Description: EPA is modifying the list of hazardous wastes in section 261.33 to change the hazardous class under which chemical products containing warfarin at concentrations of 0.30 or less and zinc phosphide in concentrations of 10% or less are listed. This is based on scientific data showing that warfarin and zinc phosphide in these concentrations are not acute hazardous wastes. Those chemical products containing warfarin and zinc phosphise at higher concentrations will remain on 261.33(e). The Agency is also considering establishing concentration limits for all substances listed in 261.33. Statutory Authority: RCRA 3001, 3002 / 42 USC 6905, 6912(a), 6921, 6922 CFR:40 CFR 261.33 Small Entity:Unlikely	Wanda Le Bleu-Biswas EPA (WH-565B) Washington, DC 20460 FTS:8-382-4798 COMM:202-382-4798	IFR: 11/00/82 FR: Undetermined
Standards for Hazardous Waste Generators: "Satellite" Accumulation of Hazardous Waste SAR No. 1767 Docket No. 3002	Description: Current regulations allow generators of hazardous waste to accumulate waste on-site for 90 days without a permit, provided the accumulation is in accordance with certain standards. This action will add an initial period for "satellite" accumulation, defined as waste accumulated in small quantities at or near a point of generation before the standards for 90 day accumulation apply. The 90 day period would begin only after the initial period is completed. This change will be more appropriate and less burdensome for short term satellite storage activities than are the existing requirements. This action would also waive the contingency plan requirement for satellite storage. Statutory Authority: RCRA 3002 / 42 USC 6922 CFR:40 CFR 262.34 Small Entity:Unlikely	Amy Mills EPA (WH-563) Washington, DC 20460 FTS:8-382-4755 COMM:202-382-4755	NPRM: 11/00/82 FR: Undetermined
Standards for Hazardous Waste Generators and Treatment Storage Disposal Facilities: Annual Report/Survey SAR No. 1824 Docket No. 3002	Description: EPA is proposing to replace the annual reporting requirement for generators of hazardous waste and owners or operators of TSD facilities with a periodic survey of a representative sample of the regulated community. The survey approach will provide EPA with data on which to base regulatory decisions while substantially reducing the paperwork on the regulated community. These revisions are being made as part of an overall revision of the RCRA program at the request of the President's Task Force on Regulatory Relief. Statutory Authority: RCRA 3002, 3004, 3007 / 42 USC 6922, 6924 CFR: 40 CFR 262.41, 264, 265 Small Entity:Unlikely	Robert Axelrad EPA (WH-562) Washington, DC 20460 FTS:8-382-5218 COMM:202-382-5218	NPRM: 12/00/82 FR: Undetermined
Standards for Hazardous Waste Generators: Uniform Hazardous Waste Manifest SAR No. 1768 Docket No. 3002	Description: In conjunction with the Department of Transportation, EPA has proposed a uniform national manifest to eliminate problems caused by differing state manifest requirements. This action would require all generators and transporters of hazardous waste to use the Federal form. These revisions are being made as part of an overall revision of the RCRA program at the request of the President's Task Force on Regulatory Relief. Statutory Authority: RCRA 3002 / 42 USC 6922 CFR:40 CFR 262 Small Entity:Unlikely	Rolf Hill EPA (WH-563) Washington, DC 20460 FTS:8-382-4753 COMM:202-382-4753	NPRM: 47FR9336 (03/04/82) FR: 12/00/82

EPA REGULATIONS UNDER CONSIDERATION

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Title	Summary	Contact	Timetable
Standards for Hazardous Waste Generators: Alternate Manifest SAR No. 1842 Docket No. 3002	Description: This action would allow generators to reuse a manifest form if they repeatedly ship identical wastes to facilities which they own or operate. This will reduce the paperwork burdens for generators. These revisions are being made as part of an overall revision of the RCRA program at the request of the President's Task Force on Regulatory Relief. Statutory Authority: RCRA 3002 / 42 USC 6922 CFR:40 CFR 262 Small Entity:Not yet determined	John Thompson EPA (WH-563C) Washington, DC 20460 FTS:8-382-4697 COMM:202-382-4697	NPRM:Undetermined
Standards for Hazardous Waste Generators: International Shipments SAR No. 1839 Docket No. 3002	Description: EPA is developing amendments to clarify the current regulations on exports of hazardous waste and on international shipments. EPA is also making minor changes needed to improve the processing of export notices. Statutory Authority: RCRA 3002 / 42 USC 6922 CFR:40 CFR 262.50 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	FR: 11/00/82
Standards for Hazardous Waste Generators: Shipments of Hazardous Waste from Permitted Facilities SAR No. 1770 Docket No. 3002	Description: EPA issued an interim final rule to clarify the responsibilities of owners and operators of permitted facilities with respect to generator standards (40 CFR 262) when they initiate a shipment of hazardous waste from their facilities. Statutory Authority: RCRA 3002 / 42 USC 6922 CFR:40 CFR 262 Small Entity:Unlikely	Rolf Hill EPA (WH-563) Washington, DC 20460 FTS:8-382-4753 COMM:202-382-4753	IFR: 45FR86968 (12/31/80) FR: 04/00/83
Standards for Hazardous Waste Generators: Transporting Hazardous Waste by Rail SAR No. 1769 Docket No. 3002	Description: EPA has issued an interim final rule which allows generators to transport hazardous waste by rail without a manifest, provided that certain minimum information accompanies the load. EPA concluded that the existing tracking system used by railroads was sufficient to protect human health and the environment. Statutory Authority: RCRA 3002, 3003 / 42 USC 6922, 6923 CFR:40 CFR 262, 263 Small Entity:Unlikely	Carolyn Barley EPA (WH-563) Washington, DC 20460 FTS:8-382-4505 COMM:202-382-4505	IFR: 45FR86970 (12/31/80) FR: 03/00/83
Standards for Hazardous Waste Transporters: In-Transit Storage Requirements SAR No. 1771 Docket No. 3003	Description: EPA has issued an interim final rule to allow a transfer facility to hold a shipment of hazardous waste with a manifest for up to ten days without obtaining a RCRA permit or complying with storage facility standards. This rule is intended to allow transporters to store waste temporarily at a transfer facility for such purposes as consolidation of shipments for further transport. Statutory Authority: RCRA 3003 / 42 USC 6923 CFR:40 CFR 263 Small Entity:Unlikely	Rolf Hill EPA (WH-563) Washington, DC 20460 FTS:8-382-4753 COMM:202-382-4753	IFR: 45FR86966 (12/31/80) FR: Undetermined
Standards for Owners/Operators of Waste Facilities: Land Disposal SAR No. 1194 Docket No. 3004	Description: The Agency established requirements for use in permitting existing land disposal facilities (surface impoundments, waste piles, land treatment landfills) and the corresponding procedures for permit applications. The Agency is preparing a Regulatory Impact Analysis and will publish the results of it in the Federal Register. A Regulatory Flexibility Analysis is being prepared and will be published in early 1983. Statutory Authority: RCRA 3004, 3005 / 42 USC 6905, 6912(a), 6924, 6925 CFR:40 CFR 122, 260, 264, 265, – MAJOR Analysis: EIS, RIA, RFA Small Entity:Likely	RCRA Hotline FTS:8-382-3000 COMM:800-424-9346	NPRM: 43FR58946 (12/18/78) NPRM: 45FR66816 (10/08/80) RPRM: 46FR11126 (02/05/81) RPRM: 46FR28314 (05/26/81) IFR: 47FR32274 (07/26/82) NPRM: 47FR32385 (07/26/82) IFR: 47FR32274 (06/26/82) FR: 06/00/84

EPA REGULATIONS UNDER CONSIDERATION

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Title	Summary	Contact	Timetable
Standards for the Management of Specific Hazardous Wastes: Wastewater Treatment/Elementary Neutralization SAR No. 1772 Docket No. 3004	Description: In November 1980, EPA suspended the applicability of the RCRA regulations to wastewater treatment and elementary neutralization tanks (facilities that treat corrosive wastes). At the same time, EPA proposed to substantially relax the substantive requirements and the permitting procedures for these facilities. The proposal establishes a tailored set of management standards and a permit-by-rule scheme for these facilities. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 266 B Small Entity:Unlikely	William Kline EPA (WH-565) Washington, DC 20460 FTS:8-382-4781 COMM:202-382-4781	NPRM: 45FR76076 (11/17/80) FR: Undetermined
Standards for Management of Specific Hazardous Waste: Experimental Facilities SAR No. 1817 Docket No. 3004	Description: This action would amend existing requirements for facilities engaging in hazardous waste research activities. EPA's object is to encourage research and development of hazardous waste management technology while assuring environmental protection. Statutory Authority: RCRA 3004, 3005, 8001 / 42 USC 6924, 6925 CFR:40 CFR 261-64, 266 Small Entity:Not yet determined	Michael Petruska EPA (WH-565) Washington, DC 20460 FTS:8-382-4788 COMM:202-382-4788	NPRM: 02/00/83 FR: Undetermined
Standards for Owners/Operators of Waste Facilities: Incinerators SAR No. 1784 Docket No. 3004/ Incinerator Docket	Description: In response to public comments on the interim final rule published on January 23, 1981 (46 FR 7666), EPA amended its regulations applicable to hazardous waste incineration facilities. The interim final amendments reflect, among other things, (1) performance standards for hydrogen chloride and particulate emissions, (2) permit application procedures, and (3) partial exemption of some corrosive and reactive wastes. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 122, 264, 265 Small Entity:Unlikely	Edward Martin EPA (WH-565) Washington, DC 20460 FTS:8-382-4761 COMM:202-382-4761	IFR: 47FR27520 (06/24/82) FR: Undetermined
Standards for Owners/Operators of Waste Facilities: Discharge Response Exemption SAR No. 1773 Docket No. 3004	Description: EPA issued an interim final rule which relieves persons who treat or store hazardous waste in immediate response to a spill from complying with the facility standards and permitting requirements of 40 CFR 122, 264, and 265. This amendment clarifies that immediate response actions are exempt from permit requirements. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 122, 260, 264, 265 Small Entity:Unlikely	Amy Mills EPA (WH-563) Washington, DC 20460 FTS:8-382-4755 COMM:202-382-4755	FR: 45FR76626 (11/19/80) FR: 12/00/82
Standards for Owners/Operators of Waste Facilities: Financial Responsibility SAR No. 1194A Docket No. 3004	Description: Owners or operators of hazardous waste facilities must provide financial assurance that closure and post-closure care requirements can be met. They must also have liability coverage for bodily injury and property damage to third parties caused by facility operations. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 264 H, 265 Analysis: RIA, RFA, IIA Small Entity:Likely	Emily Sano EPA (WH-565) Washington, DC 20460 FTS:8-382-4503 COMM:202-382-4503	NPRM: 45FR33260 (05/19/80) IFR: 47FR15032 (04/07/82) IFR: 47FR16544 (04/16/82) FR: Undetermined
States with Final Authorization SAR No. 1874 Docket No. 3004	Description: EPA plans to add permitting standards for several processes which are not currently covered by the standards for owners and operators of hazardous waste management facilities. Under EPA's May 19, 1980 regulations, until a State with final authorization makes revisions based on new Federal standards, neither EPA nor the State can issue RCRA permits to new or existing faciities covered by the new standards. To remedy this problem, EPA amended its hazardous waste management regulations to enable certain facilities in authorized States to obtain Federally-issued RCRA permits while the States revise their RCRA permit requirements. The Agency also clarified the applicability of new permit standards in States with Phase II interim authorization. Statutory Authority: RCRA 3004 / 42 USC 6905, 6912(a), 6924 CFR:40 CFR 264 Small Entity:Unlikely	Terrace Grogan EPA (WH-563) Washington, DC 20460 FTS:8-382-2224 COMM:202-382-2224	IFR: 47FR32382 (07/26/82) FR: Undetermined

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Title	Summary	Contact	Timetable
Standards for Owners/Operators of Waste Facilities: Surface Impoundments Used For Neutralization of Corrosive Waste SAR No. 1875 Docket No. 3004	Description: Neutralization surface impoundments are surface impoundments that: (1) are used to neutralize wastes that are hazardous solely because they exhibit the characteristic of corrosivity (261.22) or have been listed in Part 261 subpart O only for this reason; (2) contain no other hazardous waste; and (3) sufficiently neutralize the corrosive waste rapidly so that there is no potential for migration of hazardous waste from the impoundment. Neutralization surface impoundments present such minimal risk of groundwater and surface water contamination that it may be unnecessary to require such facilities to comply with the full set of technical standards necessary for other facilities. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 264 Small Entity:Unlikely	Chris Rhyne EPA (WH-564) Washington, DC 20460 FTS:8-382-4683 COMM:202-382-4683	NPRM: 05/00/83 FR: Undetermined
Standards for Owners/Operators of Waste Facilities: Boilers SAR No. 1877	Description: Burning of hazardous waste in boilers for the purpose of heat recovery is currently exempt from regulation under RCRA. However, the Agency is currently studying the environmental effects of burning by conducting tests of stack emissions and doing other research. The Agency expects to complete this research during 1983 and propose appropriate regulations in 1984. In addition, the Agency is considering proposal of more near term administrative controls on this practice, including notification by facilities that blend, distribute, or burn hazardous waste as a fuel. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 264 Small Entity:Unlikely	Steve Lingle EPA (WH-565) Washington, DC 20460 FTS:8-382-4761 COMM:202-382-4761	NPRM:Undetermined
Identification and Listing of Hazardous Waste: Restriction of Land Disposal of Certain Hazardous Waste SAR No. 1878 Docket No. 3001	Description: This action would place restrictions on the land disposal of certain types of hazardous wastes. EPA is considering establishing criteria for identifying wastes and promulgating a list of wastes which should be prohibited from land disposal based on extreme persistence, mobility or toxicity in the environment. EPA may also identify alternative treatment technologies for the restricted wastes that would render them less hazardous or non-hazardous, and thus suitable for land disposal. Statutory Authority: RCRA 3001 CFR:40 CFR 261 Small Entity:Not yet determined	Claire Welty EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	ANPRM: 02/00/83 NPRM: 02/00/84 FR: Undetermined
Standards for Owners/Operators of Waste Facilities: Monofills SAR No. 1879	Description: Monofills are land disposal facilities which manage one or more of a small group of EP toxic hazardous wastes and no other hazardous waste. Under specific management conditions, these facilities pose significantly less risk of groundwater contamination than do other types of land disposal facilities. EPA intends to propose a special set of standards for these facilities because of this reduced risk. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 264 Small Entity:Unlikely	Al Geswein EPA (WH-564) Washington, DC 20460 FTS:8-382-4681 COMM:202-382-4681	NPRM: 05/00/83 FR: Undetermined
Standards for Owners/Operators of Waste Facilities: Storage of Ignitable and Reactive Waste; Buffer Zone Requirements SAR No. 1775 Docket No. 3004	Description: The amendment would modify the requirements for storage of ignitable and reactive waste in containers and tanks at hazardous waste management facilities. It would incorporate the buffer zone requirements contained in portions of three National Fire Protection Association Codes. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 260, 264, 265 Small Entity:Unlikely	Penelope Hansen EPA (WH-565) Washington, DC 20460 FTS:8-382-4761 COMM:202-382-4761	NPRM:Undetermined
Interim Status: Open Burning SAR No. 1849 Docket No. 3004	Description: Existing regulations allow open burning of explosives under certain conditions, (e.g. beyond a specified distance from buildings and other objects). In response to a petition by industry, this action would modify EPA's existing restrictions. It will allow open burning of small quantities of waste explosives under specific conditions at selected facilities. This amendment will provide relief for a small number of highly specialized disposal facilities. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR: 40 CFR 264, 265.382 Small Entity:Unlikely	Marc Turgeon EPA (WH-565) Washington, DC 20460 FTS:8-382-4791 COMM:202-382-4791	IFR:Undetermined

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
RESOURCE CONSERVATION AND RECOVERY ACT			
Interim Status: Liquids in Landfills SAR No. 1843 Docket No. 3004	Description: This rule controls the landfill disposal of containers holding free liquids. The Agency intends to leave the interim final rule of March 22, 1982 in effect until a thorough analysis of this issue can be done through the Regulatory Impact Analysis (RIA) process. An RIA is scheduled to be completed in the summer of 1983. Development and promulgation of a final rule will follow. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 265 Small Entity:Unlikely	Rodney Jenkins EPA (WH-564) Washington, DC 20460 FTS:8-382-4658 COMM:202-382-4658	NPRM: 47FR8307 (02/25/82) IFR: 47FR8304 (02/25/82) IFR: 47FR12316 (03/22/82) FR: Undetermined
Interim Status: Expansion and Modification of Facilities SAR No. 1807 Docket No. 3005	Description: Under the settlement agreement in NRDC v EPA, EPA is proposing to allow existing hazardous waste management facilities greater flexibility to expand and modify their operation during interim status. Among other things, these amendments would: (1) allow the addition of tanks and containers to treat or store waste; (2) allow increases in design capacity. Statutory Authority: RCRA 3004, 3005 / 42 USC 6924, 6925 CFR:40 CFR 122, 265, 267 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM:Undetermined
Consolidated Permits: Class Permits SAR No. 1844 Docket No. 3005	Description: EPA will propose to allow precisely defined classes of facilities to obtain permits by demonstrating compliance with specific permit conditions established by regulation. This will simplify and expedite the process for individual members of the classes to receive permits. These and several other revisions listed below implement revisions to the Consolidated Permit Program at the request of the President's Task Force on Regulatory Relief. Statutory Authority: RCRA 3004, 3005 / 42 USC 6924, 6925 CFR:40 CFR 122, 124, 264, 266 Small Entity:Not yet determined	David Sussman EPA (WH-563) Washington, DC 20460 FTS:8-382-4692 COMM:202-382-4692	NPRM: 02/00/83 FR: 11/00/83
Consolidated Permits: Minor Modifications to Existing RCRA Permits SAR No. 1805 Docket No. 3005	Description: Existing regulations allow EPA to make specified minor modifications to existing RCRA permits without going through the draft permit and public participation procedures required to make more substantial changes to permits. Under the settlement agreement in NRDC v EPA, EPA is proposing an amendment which would expand the kinds of permit modifications that qualify as minor modifications and thus are exempt from most procedural requirements. Statutory Authority: RCRA 3005 / 42 USC 6925 CFR:40 CFR 122.17 Small Entity:Unlikely	Amy Mills EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM:Undetermined
Consolidated Permits: Duration of Permits for Hazardous Waste Facilities SAR No. 1806 Docket No. 3005	Description: Existing EPA regulations provide that EPA-issued permits for hazardous waste treatment, storage and disposal facilities are effective for a fixed term not to exceed ten years. Under the settlement agreement in NRDC v EPA, EPA proposes to revise this regulation by making permits effective for the designed operating life of the facility. Permit terms for land disposal facilities would include the post-closure care period as well. EPA would also increase opportunities for the Agency to modify permits during their term. EPA will also propose to amend State program requirements to allow authorized States to adopt similar standards to vary the duration of permits. Statutory Authority: RCRA 3005, 3006 / 42 USC 6925, 6926 CFR:40 CFR 122.9, 123, 264 Small Entity:Unlikely	Amy Mills EPA (WH-563) Washington, DC 20460 FTS:8-382-4755 COMM:202-382-4755	NPRM: 10/00/82 FR: 04/00/83
Consolidated Permits: Construction Ban SAR No. 1814 Docket No. 3005	Description: Existing EPA regulations require that an owner or operator of a hazardous waste management facility receive a RCRA permit before beginning construction of the facility. Under the settlement agreement in NRDC v EPA, EPA will propose an amendment that will allow certain facilities to commence construction but not operation, before a RCRA permit is issued. Statutory Authority: RCRA 3005 / 42 USC 6925 CFR: 40 CFR 122, 123, 124 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM:Undetermined

EPA REGULATIONS UNDER CONSIDERATION

RESOURCE CONSERVATION AND RECOVERY ACT

Title	Summary	Contact	Timetable
Enforcement of State Permits SAR No. 1809 Docket No. 3005	Description: Under the settlement agreement in NRDC v EPA, EPA is proposing amendments to state program requirements. In particular, the proposal would require that the EPA Regional Administrator explain the basis for any contention that a State failed to include a necessary provision in its permit. Statutory Authority: RCRA 3004, 3005, 3006 / 42 USC 6924, 6925, 6926 CFR:40 CFR 123 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM:Undetermined
Consolidated Permits: Owner/Operator Signature SAR No. 1813 Docket No. 3005	Description: Existing EPA regulations require that both the owner and operator of a hazardous waste facility sign the facility's permit application. Under the settlement agreement in NRDC v EPA, EPA will propose allowing permit applcations to be filed in certain circumstances solely under the signature of the facility operator. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR: 40 CFR 122 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM: 47FR32038 (07/23/82) FR: 03/00/83
Consolidated Permits: Retention of Groundwater Monitoring Data SAR No. 1810 Docket No. 3005	Description: Under the settlement agreement in NRDC v EPA, EPA will propose to reduce the period of time during which a facility must retain groundwater monitoring data. Statutory Authority: RCRA 3004, 3005 / 42 USC 6924, 6925 CFR: 40 CFR 122, 123, 124 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM:Undetermined
Consolidated Permits: Hearings on Interim Status SAR No. 1812 Docket No. 3005	Description: Under the settlement agreement in NRDC v EPA, EPA will propose to notify owners and operators of existing hazardous waste facilities of any deficiencies in their Part A applications and to give them 30 days to respond. EPA will also propose to provide the opportunity for a panel hearing on initial RCRA permits in certain circumstances. Statutory Authority: RCRA 3005 / 42 USC 6925 CFR: 40 CFR 122, 124 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM: 11/00/82 FR: Undetermined
Consolidated Permits: Transfer of Permits SAR No. 1811 Docket No. 3005	Description: Under the settlement agreement in NRDC v EPA, EPA will propose to amend its regulations to ease restrictions on certain transfers of RCRA permits when ownership of a hazardous waste facility changes. Statutory Authority: RCRA 3005 / 42 USC 6925 CFR:40 CFR 122 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM: 11/00/82 FR: Undetermined

CLEAN AIR ACT

The goal of the Clean Air Act is to protect the public health and welfare from the harmful effects of air pollution. To achieve the goal, EPA develops National Ambient Air Quality Standards (NAAQS) and the States adopt State Implementation Plans (SIP)to meet these standards. A NAAQS defines the maximum amount of an air pollutant which in the judgment of the Administrator provides an adequate margin of safety to protect the public health. States are also required, pursuant to EPA regulations, to develop plans to prevent significant deterioration of air quality in areas where the ambient standards have been attained and to enhance visibility.

EPA also develops New Source Performance Standards (NSPS) under CAA 111. The NSPS are based on the best systems demonstrated to reduce emissions continually, taking into account costs and energy requirements. The standards will apply to both new sources and existing sources which are modified after approval of the regulation.

EPA is also developing National Emission Standards for Hazardous Air Pollutants (NESHAPS) under section 112 of the CAA. This section requires that the Administrator develop NESHAPS for emissions that cause or contribute to air pollution which results in an increase in mortality or in serious or incapacitating illness. The standards apply to both new sources and existing sources.

Under Title II of the Clean Air Act EPA controls emissions from moving sources of air pollution. To relieve burdens on industry, EPA is revising several mobile source regulations.

NEW REGULATIONS

Quality Assurance Procedures, Appendix F, Procedure 1 SAR No. 1741 Docket No. A-80-29	Description: This rule would add quality assurance requirements on gas continuous emission monitoring systems (CEMs) used for compliance. The purpose is to improve data quality and strengthen the basis for decisions made with regard to quality assurance. Statutory Authority: CAA 111, 114, 301(a) / 42 USC 7411, 7414, 7601 CFR:40 CFR 60 Appendix F Small Entity:Unlikely	Darryl von Lehmden EPA (MD-77) Research Triangle Park NC 27711 FTS:8-629-2415 COMM:919-541-2415	NPRM:Undetermined

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
CLEAN AIR ACT			
NSPS: Industrial Surface Coating: Metal Furniture SAR No. 1115 Docket No. A-79-47	Description: This regulation will establish emission standards for volatile organic compounds from surface coating of metal furniture. The "affected facility" includes applications, flash-off, and oven areas of coating line. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 EE Analysis: EIS Small Entity:Likely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-514-5624	NPRM: 45FR79390 (11/28/80) FR: 10/00/82
NSPS: Stationary Internal Combustion Engines SAR No. 1008 Docket No. OAQPS-79-5	Description: These regulations will require the application of best available demonstrated technology to control nitrogen oxide emissions from stationary diesel and dual-fuel internal combustion engines. EPA will issue separate standards for gas and gasoline-fueled stationary I.C. engines later. The Agency is considering exempting engines with a displacement of less than 560 cubic inches per cylinder. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 FF Analysis: EIS Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 44FR43173 (07/23/79) FR: 12/00/82
NSPS: Organic Solvent Cleaners SAR No. 1010 Docket No. OAQPS 78-12	Description: This rule will control evaporative emissions from metal cleaning and degreasing operations. A related rule (SAR 1695) will also require States to act under Section III(d) to control some specific solvent emissions from existing sources. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 JJ Analysis: EIS Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 45FR39766 (06/11/80) FR: Undetermined
NSPS: Metallic Minerals SAR No. 1700 Docket No. A-81-03	Description: This standard would limit stack and fugitive particulate emissions at new, modified, or reconstructed plants in the processing of minerals prior to metal reduction. These areas are: aluminum, copper, gold, iron, lead, molybdenum, silver, titanium, otungsten, uranium, zinc, and zirconium. The affected facilities are individual points and equipment in the processing plant. Facilities located underground are not affected. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 LL Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 47FR36859 (08/24/82) FR: 08/00/83
NSPS: Perchloroethylene Dry Cleaning SAR No. 1119 Docket No. A-79-30	Description: This regulation will control hydrocarbon emissions, including perchloroethylene, from professional and coin-operated dry cleaning establishments. It will also reduce the ambient ozone problem. The rule will limit process wastes and leaks and will require the use of a carbon adsorber, or refrigeration equipment, to control emissions from exhausts and vents. EPA is considering an exemption for coin operated facilities. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 OO Analysis: EIS Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 45FR78174 (11/25/80) FR: 12/00/82
NSPS: Publication Rotogravure Printing SAR No. 1120 Docket No. A-79-50	Description: This regulation will control emissions of volatile organic compounds from large-scale publication rotogravure printing presses. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 QQ Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 45FR71538 (10/28/80) FR: 10/00/82
NSPS: Industrial Surface Coating: Pressure Sensitive Tapes and Labels SAR No. 1114 Docket No. A-79-38	Description: This regulation will establish emission standards for volatile organic compound emissions from pressure sensitive tapes and labels coating operations. It will apply to new, modified or reconstructed coating lines. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 RR Analysis: EIS Small Entity:Unlikely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 45FR86278 (12/30/80) FR: 10/00/82

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CLEAN AIR ACT

Title	Summary	Contact	Timetable
NSPS: Industrial Surface Coating: Large Appliances SAR No. 1599 Docket No. A-80-6	Description: This regulation will control volatile organic compound emissions from industrial surface coating operations for large appliances. It applies to each prime coat or top coat operation. The "affected facility" is defined as application station(s), flashoff area and curing oven. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 SS Analysis: EIS Small Entity:Likely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 45FR85085 (12/24/80) FR: 10/00/82
NSPS: Industrial Surface Coating: Metal Coils SAR No. 1598 Docket No. A-80-5	Description: This rule will control emissions of volatile organic compounds from metal coils industrial surface coating operations. It will affect each prime coating and each finish coating operation. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 TT Analysis: EIS Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 46FR1102 (01/05/81) FR: 10/00/82
NSPS: Synthetic Organic Chemical Manufacturing-Fugitive Emissions SAR No. 1112 Docket No. A-79-32	Description: This rule will control fugitive emissions from the manufacture of volatile organic chemicals from new process units within the synthetic organic chemical manufacture industry. It requires a leak detection and repair program and the use of certain equipment to reduce emissions. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 VV Analysis: EIS Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 46FR1136 (01/05/81) FR: 12/00/82
NSPS: Industrial Surface Coating: Cans SAR No. 1113 Docket No. A-80-4	Description: These standards will limit VOC emissions from new, modified, and reconstructed two piece beverage can surface coating facilities. The standards will cover base coat, over varnish, coating and inside coat. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 WW Analysis: EIS Small Entity:Unlikely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 45FR78980 (11/26/80) FR: 10/00/82
NSPS: Bulk Gasoline Terminals SAR No. 1589 Docket No. OAQPS-78-2	Description: This rule will control volatile organic compound (VOC) emissions from new, modified, and reconstructed gasoline tank truck loading racks at bulk gasoline terminals. It will require installation of VOC vapor collection equipment, set VOC emission limits, and restrict loadings only to gasoline tank trucks that pass an annual vapor-tight test. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 XX Analysis: EIS Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 45FR68616 (12/17/80) FR: 12/00/82
NSPS: Industrial Boilers SAR No. 1586 Docket No. A-79-02	Description: Industrial boilers are a major stationary source of sulfur dioxide, particulates, and nitrogen oxide emissions. EPA is developing performance standards for industrial boilers to achieve continuous emission reduction. The Agency will base emission limits upon the best available system of control, taking costs, environmental impacts and energy requirements into account. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 ZZ - MAJOR Analysis: EIS, RIA, RFA Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	ANPRM: 44FR37632 (06/28/79) NPRM: 02/00/83
NSPS: Volatile Organic Liquids Storage SAR No. 1612 Docket No. A-80-51	Description: This standard will control volatile organic compound emissions from the storage of organic liquids. It will affect new, modified or reconstructed VOL storage vessels with capacities of 40,000 gallons or more. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 AAA Analysis: EIS Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM:Undetermined

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Title	Summary	Contact	Timetable
NSPS: Rubber Products Industry-Tire Manufacturing SAR No. 1615 Docket No. A-80-9	Description: This standard will control VOC (volatile organic compound) emissions from solvent application during undertread/sidewall cementing, tread end cementing, bead cementing and green tire coating in rubber tire manufacturing plants. It will require use of less solvent or installation of a 75% efficient emission reduction system. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 BBB Analysis: EIS Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 10/00/82
NSPS: Non-Fossil Fuel Fired Boilers SAR No. 1614 Docket No. A-79-22	Description: This rule will control particulate emissions from combustion of wood, municipal solid waste, refuse derived fuels, and bagasse. It will also control particulate emissions of the above when combined with fossil fuels. The rule will set an individual control level for each non-fossil fuel addressed. EPA is considering the highest volume fuels first, but will consider others later. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 CCC Analysis: EIS Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 02/00/83
NSPS:Gypsum SAR No. 1673 Docket No. A-80-15	Description: This regulation will control particulate emissions from eight separate sources of gypsum manufacturing facilities. It will require improved operation and maintenance of particulate control equipment already used by the industry under state regulations. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 DDD Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM:Undetermined
NSPS: Industrial Surface Coating: Vinyl Coating and Printing SAR No. 1672 Docket No. A-80-8	Description: This regulation will control volatile organic compound emissions from the manufacture of polyvinylchloride films. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 FFF Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 10/00/82 FR: 09/00/83
NSPS: Refinery Fugitive Emissions SAR No. 1696;	Description: This regulation will control fugitive emissions of volatile organic compounds from new, reconstructed, or modified processing units in petroleum refineries. It will allow no detectable emissions from pressure relief devices during normal operations; require a leak detection and repair program for valves and pumps; and the use of certain equipment for compressors, sampling connections, and open-ended lines to reduce emissions. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 GGG Analysis: EIS Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM 12/00/82 FR: 12/00/83
NSPS: Synthetic Fibers SAR No. 1692	Description: This action will control VOC emissions from synthetic fiber manufacturing plants that use "solvent spinning" processes by monitoring the amount of solvent used and the amount recovered. A size cutoff for facilities producing less than 500 megagrams of fiber per year will exempt facilities with an insiginificant level of emissions. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 HHH Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 12/00/82 FR: 12/00/83
NSPS: Synthetic Organic Chemical Industry: Air Oxidation Process SAR No. 1618	Description: This regulation will control emissions of volatile organic compounds from the manufacture of synthetic organic chemicals via air oxidation processes. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 III Analysis: EIS, RFA Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 12/00/82 FR: 12/00/83

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Title	Summary	Contact	Timetable
NSPS: Coke Ovens Quenching SAR No. 1687	Description: This regulation will control emissions of particulate matter generated by new facilities for the quenching of coke with water at coke production facilities. Two possible systems of control are :(1) quenching water that is low in total solids content, and/or (2) impingement baffles installed in the quenching tower. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM:Undetermined
NSPS: Petroleum Solvent Dry Cleaning SAR No. 1690	Description: This regulation will control emissions of volatile organic compounds from dry cleaning equipment in which petroleum solvent is used. EPA is considering exempting facilities that clean less than an as yet undetermined amount of material a year. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Analysis: EIS, RFA Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 12/00/82 FR: 12/00/83
Solvent Degreasing SAR No. 1695	Description: This action will require States to control organic solvent cleaners to reduce emissions of specific organic solvents designated under a separate NSPS action (SAR 1010). Statutory Authority: CAA 111(d) / 42 USC 7411 CFR:40 CFR 60 Analysis: EIS Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM:Undetermined
NSPS: On-Shore Production SAR No. 1697	Description: This regulation will control volatile organic compounds and sulfur dioxide from new, modified and reconstructed facilities at natural gas/gasoline processing plants. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Analysis: EIS Small Entity:Not yet determined	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 10/00/82 FR: 10/00/83
NSPS: Distillation Operations SAR No. 1733	Description: This regulation will control emissions of volatile organic compounds from modified and reconstructed facilities at pertroleum refineries and synthetic organic chemical plants. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Analysis: EIS Small Entity:Not yet determined	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 02/00/83 FR: 02/00/84
NSPS: Petroleum Refinery, FCC Regenerators SAR No. 1736	Description: This standard will require control of sulfur dioxide from fluidized catalytic cracking units. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Analysis: EIS Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 10/00/82 FR: 09/00/83
NSPS for Polymer and Resin Manufacture SAR No. 1691 Docket No. A-82-19	Description: This rule will control volatile organic compound (VOC) emissions in exhaust streams from polymerization processes in the manufacture of organic polymers and resins. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Analysis:EIS Small Entity:Not yet determined	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 09/00/83 FR: 09/00/84
Decision on Listing Cadmium SAR No. 1869	Description: EPA is currently reviewing relevant available information on emissions of cadmium into the ambient air that may be either by itself or in combination with cadmium intake from food and drinking water reasonably anticipated to endanger public health. EPA will issue a decision on the necessary regulatory action for public comment before it becomes final. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 Small Entity:Unlikely	David Patrick EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5645 COMM:919-541-5645	Decision on Listing:Undetermined

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Title	Summary	Contact	Timetable
NESHAPS: Listing of Coke Oven Emissions as Hazardous Air Pollutant SAR No. 1594	Description: EPA is conducting a health risk assessment of coke oven emissions. If we determine that these emissons are hazardous, we will list them as hazardous air pollutants under Section 112 and will propose emission standards. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 Small Entity:Unlikely	Kent Berry EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5504 COMM:919-541-5504	Decision on Listing:Undetermined
NESHAPS:Listing of Acrylonitrile SAR No. 1677	Description: EPA is conducting a health risk assessment of acrylonitrile emissions . If the Agency determines that these emissions are hazardous, it will list them under Section 112 and will propose emission standards. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 Small Entity:Unlikely	David Patrick EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5645 COMM:919-541-5645	Decision on Listing:Undetermined
NESHAPS: Arsenic from Smelters SAR No. 1684	Description: This regulation will control inorganic arsenic emissions from the one remaining non-ferrous smelter in the U.S. which processes high-arsenic concentrates. High efficiency particulate controls operated at optimum temperature for arsenic condensation will be required for process gas streams. The standard requires effective capture systems and high efficiency particulate controls for several sources of fugitive emissions. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 Analysis: EIS Small Entity:Unlikely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM:Undetermined
NESHAPS: Benzene in Coke Ovens/By Products Plants SAR No. 1685	Description: This regulation will control benzene emissions generated by the storage of benzene and the processing of gaseous and liquid streams at by-product plants. Inspection and maintenance procedures, operating practices, floating roof tanks, and exhaust gas treatment may be required. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 Analysis: EIS Small Entity:Not yet determined	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 01/00/83 FR: 02/00/84
NESHAPS: Maleic Anhydride Manufacture SAR No. 1127 Docket No OAQPS 79-3	Description: This regulation will control the emission of benzene from process vents in the manufacture of maleic anhydride. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 H Analysis: EIS Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 42FR26660 (04/18/80) FR: 01/00/83
NESHAPS: Ethylbenzene/Styrene Manufacture SAR No. 1128 Docket No. A-79-49	Description: This regulation will control the emission of benzene from process vents in the manufacture of ethylbenzene and styrene at new and existing plants through the use of boilers or process heaters. Process vents account for almost 90 percent of total uncontrolled plant emissions. Excess emissions during startup/shutdown or malfunction must be controlled by smokeless flares. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 I Analysis: EIS Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 45FR83448 (12/18/80) FR: 01/00/83
NESHAPS: Benzene Fugitive Emissions SAR No. 1126 Docket No. A-79-27	Description: This regulation would limit benzene emissions from fugitive emission sources in new and existing petroleum refineries and organic chemical manufacturing plants. The standards would allow no detectable emissions due to leaks from safety/relief valves and product accumulator vessels. The standards would also require a leak detection and repair program for pipeline valves and pumps, and would require certain equipment for compressors, sampling connections, and open-ended valves. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 J Analysis: EIS Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 46FR1165 (01/05/81) FR: 01/00/83

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Title	Summary	Contact	Timetable
NESHAPS: Benzene Storage SAR No. 1593 Docket No. A-80-14	Description: This regulation will limit benzene emissions resulting from the storage of pure benzene. EPA will require new and existing storage tanks to meet certain structural standards (a combination of roofs and seals) and require industry to inspect the equipment periodically to ensure that it functions properly. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 K Analysis: EIS Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 45FR83952 (12/19/80) FR: 01/00/83
NESHAPS: Airborne Radionuclides SAR No. 1595 Docket No. A-79-11	Description: Radionuclides are a hazardous air pollutant. EPA is determining from which source categories radionuclide emissions create a significant health risk. The Agency will issue separate standards for each source named. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 – MAJOR Small Entity:Not yet determined	Terry McLaughlin EPA (ANR-460) Washington, DC 20460 FTS:8-557-8977 COMM:703-557-8977	NPRM:Undetermined
NESHAPS: Coke Oven Emissions from By-Product Coke Oven Charging, Door Leaks, and Topside Leaks on Wet-Coal Charged Batteries SAR No. 1686 Docket No. A-79-15	Description: This regulation will control emissions of organic pollutants designated as hazardous under section 112. It will require improved maintenance and operation to limit visible emissions from wet-coal-charged coke oven batteries. The standards apply to charging, and leaks from doors, lids or offtakes for all existing or new sources. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 G Analysis: EIS Small Entity:Not yet determined	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 03/00/83 FR: 03/00/84
Dispersion Techniques Implemented Before Enactment of the Clean Air Act Amendments of 1970 SAR No. 1893 Docket No. A-79-12	Description: These regulations set the requirements for an implemented intermittent control system (ICS). If an operator can show that despersion techniques implemented before December 31, 1970 meet the ICS requirements then the system can be used to reduce emissions in a State Implementation Plan to meet Federal ambient standards. These regulations are optional for States. Statutory Authority: CAA 123 CFR: Small Entity:Unlikely	Bruce Polkowsky EPA (MD-15) Research Triangle Park NC 27711 FTS:8-629-5540 COMM:202-541-5540	NPRM: 12/00/82 FR: 06/00/83
Heavy-Duty Evaporative Emissions SAR No. 1312 Docket No. OMSAPC-79-1	Description: EPA Air Quality Analysis shows that many Air Quality Control Regions will not meet the Ozone NAAQS even if current and planned regulations for Nonmethane Hydrocarbon (NMHC) control are implemented. This regulation would reduce NMHC emissions from all mobile sources by 3.5 to 3.6 percent in the year 1995. Implementing this regulation would reduce the number of Ambient Ozone Violations by 2.4 to 14.0 percent. Beginning in the 1985 model year heavy duty vehicles would have to meet a 3 grams/test standard. Statutory Authority: CAA 202(a) / 42 USC 7521(a) CFR:40 CFR 86 Analysis: EIS Small Entity:Unlikely	Tim Mott EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8462 COMM:313-668-4462	NPRM: 45FR28922 (04/30/80) FR: 11/00/82
Heavy-Duty Diesel Particulate Standards SAR No. 1310 Docket No. OMSAPC-78-3 A-80-18	Description: Diesel engines emit 40–100 times the particulate matter emitted by catalyst-equipped vehicles operated on unleaded gasoline. EPA has proposed an emission limit of .25 grams per brake horsepower-hour and intends to promulgate a standard for particulate matter concurrent with the heavy-duty NOx standard. Statutory Authority: CAA 202(a)(3) / 42 USC 7521(a)(3) CFR:40 CFR 86 – MAJOR Analysis: EIS Small Entity:Unlikely	Richard Rykowski EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8339 COMM:313-668-4339	NPRM: 46FR1910 (01/07/81) NPRM: 07/00/83 FR: 09/00/84

EPA REGULATIONS UNDER CONSIDERATION

CLEAN AIR ACT

Title	Summary	Contact	Timetable
NOx regulations for Light-Duty Trucks and Heavy-Duty Engines SAR No. 1315 Docket No. A-80-31	Description: EPA has identified several Air Quality Control Regions which currently are exceeding acceptable Nitrogen Dioxide levels. Heavy duty vehicles and light duty trucks produce 15 percent of total NOx emissions. The Clean Air Act requires EPA to establish emission standards for heavy-duty vehicles which represent a 75% reduction in nitrogen oxides. EPA has developed a new test procedure for measuring exhaust emissions which will be used to measure baseline emissions. At the request of the President's Task Force on Regulatory Relief, EPA will consider relaxing the statutory limit for 3 years to a level which can be achieved by diesel engines, and allowing emissions averaging to give flexibility to manufacturers. Statutory Authority: CAA 202, 206, 207, 301 / 42 USC 7521, 7525, 7526, 7541 CFR:40 CFR 86 – MAJOR Analysis: EIS Small Entity:Unlikely	Peter Kohnken EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8303 COMM:313-668-8303	ANPRM: 45FR79382 (11/28/80) ANPRM: 46FR5836 (01/19/81) NPRM: 07/00/83 FR: 09/00/84
High Altitude Emission Standards for 1984 and later Model Year Light-Duty Trucks (LDTs) SAR No. 1895 Docket No. A-80-32	Description: The current high-altitude standards for LDTs are based on a certain proportion of the low-altitude LDT standards. Since the low-altitude LDT standards are changing in 1987, the high-altitude standards must be revised to retain their proportional relationship. No significant impacts are expected since the stringency of the highaltitude LDT program will not change. Statutory Authority: CAA 202(a), 301(a) / 42 USC 7521, 7601 CFR:40 CFR 86 Small Entity:Unlikely	Richard Rykowski EPA (ANR-455) 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8339 COMM:313-668-4339	NPRM: 40FR5512 (01/23/80) FR: 10/00/82
Importation of Motor Vehicles and Motor Vehicle Engines SAR No. 1317 Docket No. EN-79-9	Description: These revised regulations allow only certified vehicles and engines to be imported, except that an individual may import an uncertified version for one time only. The purpose is to improve the effectiveness and administration of EPA's present regulation. Statutory Authority: CAA 203 / 42 USC 7522 CFR:40 CFR 85 Small Entity:Likely	Gerard C. Kraus EPA-(EN-340) Washington, D.C. 20460 FTS:8-382-2504 COMM:202-382-2504	NPRM: 45FR48812 (07/21/80) FR: 08/00/83
Tampering Enforcement Regulations SAR No. 1601 Docket No. EN-80-2	Description: These regulations will clarify EPA's enforcement policy against tampering with the emission control systems of motor vehicles. They will identify what kinds of "modifications" or "repairs" are tampering and will clarify the liability of manufacturers, suppliers, and repairers for tampering. Statutory Authority: CAA 203(a)(3), 301 / 42 USC 7522(a)(3), 7601 CFR:40 CFR 85 Small Entity:Unlikely	Bob Wright EPA (EN-340) Washington, DC 20460 FTS:8-382-2944 COMM:202-382-2944	ANPRM: 46FR8982 (01/27/81) NPRM: 01/00/83 FR: 07/00/83
Nonconformance Penalties for 1984 Model Year Heavy-Duty Engines (HDEs) SAR No. 1571	Description: This regulation will allow manufacturers of 1984 HDEs to sell their engines even though they fail to meet 1984 regulatory requirements for specific pollutants, provided that emissions do not exceed a specified maximum level and that the manufacturer pays a nonconformance penalty for each HDE sold. The penalty will remove any competitive advantage of noncompliance and still provide manufacturers with an incentive to meet the standard. Statutory Authority: CAA 206(g), 301(a) / 42 USC 7525(g), 7601(a) CFR:40 CFR 86 Analysis: EIS, IIA Small Entity:Unlikely	Timothy Fields EPA (EN-340) Washington, D.C. 20460 FTS:8-382-2503 COMM:202-382-2503	NPRM: 44FR9485 (02/13/79) NPRM: 02/00/83 FR: 10/00/83
High-Altitude Emission Standards for 1984 and Later Model Year Light-Duty Vehicles SAR No. 1897	Description: The Clean Air Act requires that cars meet emission standards at all altitudes. This rulemaking implements that provision of the Act. Statutory Authority: CAA 206(s)(1) CFR:40 CFR 86 Small Entity:Unlikely	Richard Rykowski EPA (ANR-455) 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8339 COMM:202-668-4339	FR: 11/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
CLEAN AIR ACT			
Nonconformance Penalties for Light-Duty Trucks SAR No. 1632	Description: This regulation will allow manufacturers of 1984 light duty trucks over 6,000 pounds gross vehicle weight to sell their vehicles even though they fail to meet 1984 regulatory requirements for specific pollutants, provided that emissions do not exceed a specified maximum level and that the manufacturer pays a nonconformance penalty for each truck sold. The penalty will remove any competitive advantage of noncompliance. Statutory Authority: CAA 206(g), 301(a) / 42 USC 7525(g), 301(a) CFR:40 CFR 86 Analysis: IIA, EIS Small Entity:Unlikely	Timothy Fields EPA (EN-340) Washington DC 20460 FTS:8-382-2503 COMM:202-382-2503	NPRM: 44FR40791 (07/12/79) NPRM: 02/00/83 FR: 10/00/83
Fuels and Fuel Additives SAR No. 1328	Description: These protocols will help determine effects of fuel and fuel additives on public health and emission control devices. They will ensure that motor vehicle fuels and additives will not harm the public health. They will also ensure that they do not damage emission control devices in motor vehicles. Statutory Authority: CAA 211 / 42 USC 7545 CFR:40 CFR 79 – MAJOR Analysis: IIA, EIS Small Entity:Not yet determined	Richard A. Rykowski EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8339 COMM:313-668-4339	NPRM: 10/00/83
REVISED REGULATIONS			
Attainment Designations by County for the Purpose of Establishing Baseline Air Quality Data SAR No. 1826	Description: In applying for a permit under the Prevention of Significant Deterioration (PSD) requirements of CAA 169, major new sources must demonstrate that the facility will not cause air pollution in excess of specified air quality increments above the baseline. This action proposes to set the air quality baseline on a county-by-county basis in areas classified as "attainment" or "unclassifiable." Statutory Authority: CAA 107 / 42 USC 7407 CFR:40 CFR 81 Small Entity:Unlikely	Bill Beal EPA (MD-15) Research Triangle Park NC 27711 FTS:8-629-5665 COMM:919-541-5665	NPRM: 47FR3011 (01/21/82) FR: Undetermined
NAAQS for Sulfur Oxides SAR No. 1002 Docket No. OAQPS-79-7	Description: EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for sulfur dioxide. The Agency will revise the criteria document and the standards where appropriate to protect public health and welfare. Statutory Authority: CAA 108 / 42 USC 7408 CFR:40 CFR 50.4 – MAJOR Analysis: EIS, RIA Small Entity:Not yet determined	Bruce Jordan EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5655 COMM:919-541-5655	ANPRM: 44FR56730 (10/02/79) NPRM: 08/00/83 FR: 08/00/84
NAAQS for Particulate Matter (TSP) SAR No. 1003 Docket No. A-79-29	Description: Particulate matter is one of the major pollutants in the ambient air. EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for particulate matter. The Agency will revise the criteria document and the standards themselves when appropriate to protect public health and welfare. Statutory Authority: CAA 108 / 42 USC 7408 CFR:40 CFR 50.6 – MAJOR Analysis: EIS, RIA Small Entity:Unlikely	Bruce Jordan EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5655 COMM:919-541-5655	ANPRM: 44FR56730 (10/02/79) NPRM: 05/00/83 FR: 05/00/84
NAAQS for Carbon Monoxide SAR No. 1001 Docket No. OAQPS-79-7	Description: Carbon monoxide is a major source of air pollution which endangers people with heart and central nervous system diseases, pregnant women and other people (5–12% of U.S. population in all). EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for CO. The Agency will revise the criteria document and the standards where appropriate to protect public health and welfare. Statutory Authority: CAA 108, 109 / 42 USC 7408, 7409 CFR:40 CFR 50.8 – MAJOR Analysis: EIS, RIA Small Entity:Unlikely	Bruce Jordan EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5655 COMM:919-541-5655	ANPRM: 43FR56250 (12/01/78) NPRM: 45FR55066 (08/18/80) FR: 10/00/82

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CLEAN AIR ACT

Title	Summary	Contact	Timetable
NAAQS for Nitrogen Dioxide SAR No. 1004 Docket No. OAQPS 78-9	Description: EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for nitrogen dioxide. The Agency will revise the criteria document and the standards where appropriate to protect public health and welfare. Statutory Authority: CAA 108 / 42 USC 7408 CFR:40 CFR 50.11 - MAJOR Analysis: EIS, RIA Small Entity:Unlikely	Bruce Jordan EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5655 COMM:919-541-5655	NPRM: 05/00/83 FR: 10/00/83
Revocation of the National Ambient Air Quality Standards for Hydrocarbons SAR No. 1683 Docket No. A-80-60	Description: This action is a result of the review of the criteria upon which the Agency based the existing primary and secondary hydrocarbon standards. These standards were not based upon health effects, as the Clean Air Act requires, but upon the fact that hydrocarbons are precursors to ozone. Recent scientific evidence shows, however, that there is no quantitative relationship between hydrocarbons and ozone concentrations in the ambient air. Thus, hydrocarbon standards do not guarantee attainment of oxidant control. Statutory Authority: CAA 108, 109 / 42 USC 7408, 7409 CFR:40 CFR 50.10 Small Entity:Unlikely	Michael H. Jones EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5531 COMM:919-541-5531	NPRM: 46FR25655 (05/08/81) FR: 10/00/82
NAAQS:Certified Reference Materials Amendment SAR No. 1819 Docket No. A-81-35	Description: EPA regulations require that pollution concentration standards used to calibrate and audit air monitoring instruments be traceable to Standard Reference Materials (SRM). To alleviate the demand caused by insufficient availability of SRMs, EPA has proposed to allow gas manufacturers to produce and sell high quality gas standards called Certified Reference Materials (CRM) that are equivalent to SRMs. Statutory Authority: CAA 108 / 42 USC 7408 CFR:40 CFR 50, 58 Small Entity:Unlikely	Darryl von Lehmden EPA (MD-77) Research Triangle Park NC 27711 FTS:8-629-2415 COMM:919-541-2415	NPRM: 47FR2127 (01/14/82) FR: 12/00/82
NAAQS:Revisions to Appendices A, B, and C SAR No. 1818 Docket No. A-81-34	Description: Appendices A, B, and C set forth reference methods for measuring sulfur dioxide, totally suspended particulates and carbon monoxide. The proposed revisions would clarify certain provisions and incorporate technical improvements. Statutory Authority: CAA 108 / 42 USC 7408 CFR:40 CFR 50 Small Entity:Unlikely	Larry J. Purdue EPA (CM-77) Research Triangle Park NC 27711 FTS:8-629-2665 COMM:919-541-2665	NPRM: 47FR2341 (01/15/82) FR: 12/00/82
New Source Review SAR No. 1845	Description: This action would revise EPA's new source requirements for new major stationary sources in PSD and Nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association and other parties who challenged the regulation amendments promulgated on August 7, 1980. Statutory Authority: CAA 110 / 42 USC 6910 CFR:40 CFR 51, 52 Small Entity:Unlikely	Kirt Cox EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5591 COMM:919-541-5591	NPRM: 12/00/82 FR: 09/00/83
Continuous Monitoring SAR No. 1613 Docket No. OAQPS-79-4 A-80-57	Description: This regulation revises performance specifications for continuous monitors applied to air pollution sources; including monitors for opacity, sulfur dioxide, and nitrogen oxide. The revised performance specifications will reduce costs for industry and will be easier to administer. Statutory Authority: CAA 110(a) / 42 USC 7410(a) CFR:40 CFR 60 Small Entity:Likely	Roger Shigehara EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-2237 COMM:919-541-2237	NPRM: 44FR58602 (10/10/79) NPRM: 46FR37287 (07/20/81) FR: 12/00/82

EPA REGULATIONS UNDER CONSIDERATION

CLEAN AIR ACT

Title	Summary	Contact	Timetable
Restructure CFR Parts 51, 52 SAR No. 1503 Docket No. A-80-11	Description: This rule will update Part 51 in phases. Phase I will delete obsolete provisions, reduce reporting requirements, and revise portions to improve their clarity. Existing references to Part 51 within Part 52 will be revised. Later Phases will restructure the PSD regulations and incorporate other changes enacted by Congress. Statutory Authority: CAA 110 / 42 USC 7410 CFR:40 CFR 51, 52 Small Entity:Unlikely	Joe Sableski EPA (MD-15) Research Triangle Park NC 27711 FTS:8-629-5697 COMM:919-541-5697	NPRM: 11/00/82 FR: 10/00/83
Emissions Trading Policy SAR No. 1605 Docket No. G-81-2	Description: EPA is developing emissions trading policy guidance governing the use of the bubble, emission offsets netting, and emission reduction banking. This policy guidance and accompanying Technical Issues Document will provide states with a framework for incorporating emissions trading activities into their state implementation plans. Through the use of emissions trading industy can substitute more controls where costs are low for less control where costs are high. This policy statement contains simplified administrative procedures and significantly expands opportunities for state and industry to use emissions trading. It takes the place of the previously announced banking regulation and incorporates EPA's recently proposed changes to its Bubble Policy. Statutory Authority: CAA 110, 173 / 42 USC 7503 CFR:Not applicable Small Entity:Unlikely	Ivan Tether EPA (PM-223) Washington, DC 20460 FTS:8-382-2765 COMM:202-382-2765	Proposed Policy: 47FR15076 (04/07/82) Final Policy: 12/00/82
NSPS: Basic Oxygen Furnace SAR No. 1671 Docket No. A-79-06	Description: This action revises the existing NSPS which controls particulate emissions during air blowing in basic oxygen process furnaces in steel mills. The revision will extend coverage to charging and tapping cycles. This revision will ensure better control of particulate emissions from secondary sources and will remove some ambiguities in the existing standards for primary sources. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 N Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 10/00/82 FR: 09/00/83
NSPS:Glass Manufacturing Plants SAR No. 1007	Description: EPA is revising the NSPS for glass manufacturing following a petition by manufacturers. Statutory Authority: CAA 111 / 42 US 7411 CFR:40 CFR 60 CC Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 12/00/82 FR: 12/00/83
NSPS:Lime Manufacturing Plants SAR No. 1836 Docket No. A-80-53	Description: This action would revise the numerical emssion limits in the existing regulation. The new limits would apply to all affected facilities constructed, reconstructed, or modified after the date of publication of the proposed revision. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 HH Small Entity:Unlikely	Bob Ajax EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 47FR38832 (09/02/82) FR: 08/00/83
Revision to NSPS for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarbonization Vessels SAR No. 1904 Docket No. A-79-33	Description: This proposed change would revise existing standards for electric arc furnaces (EAF) in the steel industry. It would also add argon-oxygen decarbonization (AOD) vessels to the source category. The revised standard would limit particulate emissions, including opacity limits, from new, modified, or reconstructed EAF's and AOD vessels, and their associated dust-handling equipment. Statutory Authority: CAA 111, 114, 301(a) CFR:40 CFR 60 AA Small Entity:Unlikely	Fred Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 11/00/82 FR: 11/00/83

EPA REGULATIONS UNDER CONSIDERATION

CLEAN AIR ACT

Title	Summary	Contact	Timetable
Revision to NSPS for Automotive Paint Shops SAR No. 1831	Description: EPA is revising the NSPS for auto body painting which was promulgated in December 1980, to consider the economic effects of increased use of clear coat. The Agency is granting waivers to manufacturers for innovative technology in order to allow them time to develop new coating systems to meet the standard. These revisions are being made at the request of the President's Task Force on Regulatory Relief. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Small Entity:Not yet determined	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 47FR32743 (07/29/82) FR: 07/00/83
Revision of NSPS for Primary Copper Smelters SAR No. 1735	Description: Revisions will be considered for: (a) the applicability of the standards to modified and reconstructed facilities at existing smelters, and (b) the existing exemption from the standards for reverberatory smelting furnaces when the total smelter charge contains a high level of volatile impurities. Emission limits for fugitive sources of particulate matter will also be considered. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 P Small Entity:Unlikely	James U. Crowder EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5601 COMM:919-541-5601	NPRM: 05/00/83 FR: 04/00/84
Revised Standards of Performance for Four Categories of Sources in the Phosphate Fertilizer Industry SAR No. 1804	Description: These four actions will amend existing regulations for flouride emissions in wet-process phosphoric acid plants, superphosphoric acid plants, diamnonium phosphate plants, and triple superphosphate plants which can process more than 15 tons of equivalent P_2O_5 feed per day. Statutory Authority: CAA 111, 114, 301(a) / 42 USC 7411 CFR:40 CFR 60 Small Entity:Unlikely	Bob Ajax EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 47FR26750 (06/21/82) FR: 06/00/83
Amendments to NESHAPS General Provisions SAR No. 1681 Docket No. A-130	Description: This action proposes to amend the emission testing, monitoring, and recordkeeping provisions of the National Emission Standards for Hazardous Air Pollutants. The proposed amendments will eliminate repetition in the subparts and add procedures and criteria to determine if: (1) proposed source changes constitute modification or reconstruction; and (2) equipment and/or procedures meet the relevant standards. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 A Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 01/00/83
NESHAPS: Asbestos SAR No. 1714	Description: This rulemaking will reinstate the asbestos design, equipment, work practice, and operational standards which EPA promulgated on April 6, 1973 at 38FR8826 and subsequently amended. Section 112(e)(1) of the 1977 amendments to the Clean Air Act grants EPA the authority to develop design or equipment standards. This regulation will apply to asbestos emissions from asbestos mills, surfacing of roadways with asbestos tailings, manufacturing operations, fabricating operations, the use of molded insulating materials, waste disposal operations, and waste disposal sites. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 B Analysis: RFA Small Entity:Likely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM:Undetermined
Second Round Nonferrous Smelter Order Regulations SAR No. 1799	Description: These rules establish the minimum required contents of primary nonferrous smelter orders (NSOs) and the criteria and procedures EPA will use in issuing NSOs and in evaluating NSOs issued by the states. NSOs allow eligible smelters until January 1, 1988 to come into compliance with their State Implementation Plans for sulfur dioxide. These rules could affect approximately six out of the twenty-six copper, lead and smelters in the United States. Statutory Authority: CAA 119 / 42 USC 7419 CFR:40 CFR 57 Small Entity:Unlikely	Roy Rathbun EPA (EN-341) Washington, DC 20460 FTS:8-382-2887 COMM:202-382-2887	NPRM:Undetermined

EPA REGULATIONS UNDER CONSIDERATION

CLEAN AIR ACT

Title	Summary	Contact	Timetable
Redesignation of High-Altitude Counties SAR No. 1896 Docket No. A-82-33	Description: The Agency is proposing revised high-altitude designation criteria that would require only those areas that have an air quality problem or contribute to problems in other areas to be included in EPA's high altitude program. This revision would eliminate Arizona counties from the high altitude program as well as counties in other states. Statutory Authority: CAA 202(a) / 42 USC 7521(a) CFR:40 CFR 86 Small Entity:Not yet determined	Richard Rykowski EPA (ANR-455) 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8339 COMM:313-668-4339	NPRM: 10/00/82 FR: 04/00/83
Delay of the 1985 Model Year Light-Duty Diesel Particulate Standard SAR No. 1894 Docket No. A-82-32	Description: At the request of the President's Task Force on Regulatory Relief, EPA has reviewed the feasibility of the 1985 diesel particulate standard and determined that the technology required to meet the standard will not be available in time for the 1985 model year. EPA is proposing a two year delay which should be adequate time to make available the necessary technology. Statutory Authority: CAA 202(a) / 42 USC 7521(a) CFR:40 CFR 86 Small Entity:Unlikely	Richard Rykowski EPA (ANR-455) 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8339 COMM:313-668-4339	NPRM: 10/00/82 FR: 03/00/83
Averaging of Particulate Emissions for 1985 and Later Model Year Light-Duty Diesels SAR No. 1717 Docket No. A-81-31	Description: EPA has proposed a diesel particulate averaging scheme to replace the individual-vehicle standards currently in place for 1985, 0.20 grams per mile for light-duty vehicles and 0.26 grams per mile for light-duty trucks. Averaging should allow manufacturers to employ the most cost-effective control technology strategies for their diesel models, while assuming that total particulate levels will not significantly increase beyond those allowable under the current regulations. There would be an upper limit of 0.40 grams per mile, which no light-duty truck or vehicle could exceed, regardless of compensating low emission engines. These revisions are being made at the request of the President's Task Force on Regulatory Relief. Statutory Authority: CAA 202(a)(3)(A) / 42 USC 7521(a)(3)(A) CFR:40 CFR 86 Small Entity:Unlikely	Peter Hutchins EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8340 COMM:313-668-4340	NPRM: 46FR62608 (12/24/81) FR: 10/00/82
Revised Gaseous Emission Regulations for 1984 and Later Model Year Heavy-Duty Engines and Light-Duty Trucks SAR No. 1719 Docket No. A-81-11	Description: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing the hydrocarbon and carbon monoxide emission standards for heavy-duty engines which were promulgated in January 1980 at 45FR4136. The Clean Air Act permits EPA to revise emission standards if it finds that compliance with the standards cannot be achieved without unreasonable cost burden. This rulemaking will reevaluate certain aspects of the 1984 final rule with the aim of reducing short term compliance costs without significant losses in environmental benefits. The major objective will be to determine if hydrocarbon and carbon monoxide standards may be set at a level which will not require the use of catalytic converters. Statutory Authority: CAA 202(a)(3)(A), (B), and (C) / 42 USC 7521(a) CFR:40 CFR 86 A, K, N Small Entity:Unlikely	Glenn Passavant EPA Ann Arbor, MI 48105 FTS:8-374-8408 COMM:313-668-4408	NPRM: 47FR1642 (01/13/82) FR: 10/00/82 FR: 12/00/82
Non-Methane Hydrocarbon Standards SAR No. 1728 Docket No. A-81-24	Description: At the request of the President's Task Force on Regulatory Relief, EPA has proposed to adopt a non-methane hydrocarbon (NMHC) standard for compliance requirements for hydrocarbon exhaust emissions for 1983 and later model year vehicles. The existing regulation uses total hydrocarbon (THC), including methane, a non-reactive hydrocarbon, to determine the emission standards necessary to comply with the Clean Air Act's requirement that EPA control photochemical smog. Statutory Authority: CAA 202(b) / 42 USC 7521(b) CFR:40 CFR 86 Small Entity:Unlikely	Peter Hutchins EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8340 COMM:313-668-4340	NPRM: 46FR62366 (12/23/81) FR: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

CLEAN AIR ACT

Title	Summary	Contact	Timetable
Revised Short Term Motor Vehicle Emissions Control Program SAR No. 1715A Docket No. A-81-27	Description: At the request of the President's Task Force on Regulatory Relief, EPA is proposing to replace less cost-effective requirements in the current motor vehicle emissions compliance programs with measures that can be quickly implemented and thus are based on the current structure of manufacturer and Agency efforts and resources. These changes could save the industry between 5 and 30 million dollars per year, with a reduction of the reporting burden by as much as 35,000 person hours per year. No adverse environmental impacts are anticipated. Statutory Authority: CAA 206 / 42 USC 7525 CFR:40 CFR 86 Small Entity:Unlikely	Tom Ball EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8280 COMM:313-688-4280	IFR: 46FR50464 (10/13/81) FR: 10/00/82
Revised Long Term Motor Vehicle Emissions Control Program SAR No. 1715B Docket No. A-81-17	Description: This rulemaking will consider long term alternatives to the certification selective enforcement auditing and recall programs. These alternatives would focus on in-use vehicle performance, give manufacturers greater flexibility and incentives for meeting emission standards in the most economical ways, reduce overall compliance costs, and ensure that air quality is fully and appropriately protected. This action is being taken at the request of the President's Task Force on Regulatory Relief. Statutory Authority: CAA 206 / 42 USC 7525 CFR:40 CFR 86 Small Entity:Unlikely	Robert Larson EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8277 COMM:313-688-4277	ANPRM: 08/00/83
Amendments to Selective Enforcement Auditing Procedures for Light-Duty Vehicles (LDVs), Light-Duty Trucks (LDTs) and Heavy-Duty Engines (HDEs) SAR No. 1570	Description: At the request of the President's Task Force on Regulatory Relief, EPA is revising the Selective Enforcement Auditing procedures for LDVs, LDTs, and HDEs to make the programs more efficient (with cost savings to EPA and the affected industries), clarifying various provisions of the regulations, and amending the existing entry and access inspection provisions. The first rulemaking will deal with trucks and engines; the second will deal with light-duty vehicles. Statutory Authority: CAA 206(b), 208(b), 301(a) / 42 USC 7525(b), 7542(b), 7601(a) CFR:40 CFR 86 G, K Analysis: IIA Small Entity:Unlikely	Timothy Fields, Jr. EPA (EN-340) Washington, DC 20460 FTS:8-382-2503 COMM:202-382-2503	NPRM: 47FR1642 (01/13/82) FR: 12/00/82 NPRM: 02/00/83 FR: 10/00/83
Amendment to the Emission Control Warranty Short Tests SAR No. 1731 Docket No. A-81-40	Description: This action would approve an alternative short test procedure for warranting emissions performance. It also proposes to approve the 2500 rpm/Idle Test, which is a variation of an existing short test. Statutory Authority: CAA 207(b) / 42 USC 7541(b) CFR:40 CFR 85 Small Entity:Unlikely	Philip Lorang EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8419 COMM:313-688-4419	NPRM: 10/00/82 FR: 03/00/83
Fuel and Fuel Additives: Lead Phasedown Revision SAR No. 1830 Docket No. A-81-36	Description: EPA is considering replacing the current 0.5 gpg pooled average lead in gasoline standards with a 1.10 gpg leaded only standard for large refineries and a 2.50 gpg leaded only standard for certain small refineries. The Agency is also considering (1) allowing inter-refinery averaging and (2) regulating imported gasoline to the same extent that domestic gasoline is regulated. These revisions fulfill the request for review of the regulations by the President's Task Force on Regulatory Relief. Statutory Authority: CAA 211 / 42 USC 7545 CFR:40 CFR 80 Small Entity:Unlikely	Richard Kozlowski EPA (EN-397) Washington, DC 20460 FTS:8-382-2633 COMM:202-382-2633	NPRM: 47FR7812 (02/22/82) NPRM: 47FR38078 (08/27/82) FR: 11/00/82
Changing Octane Designation SAR No. 1724	Description: This amendment will make the octane designation portion of EPA's unleaded gasoline regulations consistent with the Petroleum Marketing Practices Act. Gasoline distributors and dealers will not have to obtain separate, and different octane values in order to comply with FTC and EPA regulations. Statutory Authority: CAA 211(c) / 42 USC 7545 CFR:40 CFR 80 Small Entity:Unlikely	Robert Gelman EPA Washington, DC 20460 FTS:8-382-2635 COMM:202-382-2635	NPRM: 46FR44477 (09/04/81) FR: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
CLEAN AIR ACT			
Turbine Aircraft Gaseous Emissions Retrofit and Modification of 1973 Standards SAR No. 1330 Docket No. OMSAPC-78-1	Description: This regulation revises emission standards for commercial aircraft to reduce hydrocarbons, carbon monoxide and nitrogen oxide. It will eliminate some unnecessary standards and relax others to reduce unnecesary costs. A May 11, 1982 proposal would eliminate the requirement for retrofitting the remaining unmodified JT3D aircraft engines in service with low smoke combustors. Statutory Authority: CAA 231 / 42 USC 7571 CFR:40 CFR 87 Small Entity:Unlikely	George Kittredge EPA (ANR-455) Washington, DC 20460 FTS:8-382-4981 COMM:202-382-4981	NPRM: 43FR12615 (03/24/78) NPRM: 47FR20153 (06/11/82) FR: Undetermined
Fuel Economy Labeling and Data Base Revisions SAR No. 1629 Docket No. A-80-32	Description: This action amends Part 600 to require labels to: (1) distinguish among designs that affect fuel economy; (2) change during the model year if design changes reduce fuel economy by one mile per gallon or more; (3) reflect fuel economy performance for highway driving; and (4) relfect fuel economy values as adjusted for the average differences between laboratory and in-use performance measures. EPA is also amending Part 600 to allow better use of test data in accounting for untested vehicle designs and improve the representative data used to calculate fuel economy values. Statutory Authority: EPCA 503 / 15 USC 2003 CFR:40 CFR 600 Small Entity:Unlikely	Kevin Tuckey EPA 2625 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8292 COMM:313-668-4292	ANPRM: 45FR64540 (09/29/80) NPRM: 01/00/83 FR: 11/00/83
SUPERFUND			
The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, more popularly known as "Superfund," authorizes the federal government to respond to multi-media (e.g. air, water) releases of hazardous materials and other pollutants from hazardous waste sites and other facilities. It sets up a Hazardous Waste Response Fund to pay for clean up of releases and to respond to claims for natural resource damages. It also provides for liability of persons responsible for releases of hazardous substances. By Executive Order, EPA has been assigned responsibility to develop the following regulations. For information on EPA's implementation of CERCLA, call the toll free Superfund Hotline at (800) 424-9346.		
NEW REGULATIONS			
Designation of Hazardous Substances SAR No. 1642A	Description: Section 102 of the Act requires EPA to designate hazardous substances which may present substantial danger to the public health or welfare or the environment if released into the environment. EPA is developing this regulation to supplement the lists of hazardous substances already developed under CWA 307, 311, RCRA 3001, CAA 112, and TSCA 7 Statutory Authority: CERCLA 102 / 42 USC 9602 CFR:40 CFR 302 Small Entity:Unlikely	Jack Kooyoomjian EPA (WH-548) Washington, D.C. 20460 RCRA/Superfund Hotline 800-424-9346 FTS:8-382-3000	ANPRM: 10/00/82 NPRM: 05/00/83 FR: 10/00/83
Notification of Release of Hazardous Substances and Determination of Reportable Quantities SAR No. 1642B	Description: Section 103(a) requires that persons notify the National Response Center of releases of hazardous substances. EPA is developing reportable quantities for hazardous substances under Section 102 that will trigger the requirements in Section 103. Statutory Authority: CERCLA 102 / 42 USC 9602 CFR:40 CFR 303 Small Entity:Unlikely	Jack Kooyoomjian EPA (WH-548) Washington, D.C. 20460 RCRA/Superfund Hotline 800-424-9346 FTS:8-382-3000	NPRM: 10/00/82 FR: 10/00/83
Notification of Continuous Release of Hazardous Substances SAR No. 1642C	Description: Section 103(a) requires that persons notify the National Response Center of releases of hazardous substances. Section 103(f) provides an exemption to these reporting requirements. EPA is developing regulations that will clarify Agency policy regarding notification of continuous releases of designated hazardous substances. Statutory Authority: CERCLA 102, 103 / 42 USC 9602, 9603 CFR:40 CFR 304 Small Entity:Unlikely	Jack Kooyoomjian EPA (WH-548) Washington, DC 20460 RCRA/Superfund Hotline 800-424-9346 FTS:8-382-3000	ANPRM: 05/00/83 NPRM: 10/00/83 FR: 04/00/84

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
SUPERFUND			
Claims Procedures SAR No. 1642D	Description: This action prescribes the procedures and circumstances under which claims may be presented to the fund to recover costs of cleanup. Allowable claims are necessary response costs incurred by a party other than the government in carrying out the National Contingency Plan and for injury to or destruction or loss of natural resources. Statutory Authority: CERCLA 111, 112 / 42 USC 9611 CFR:40 CFR 306 Small Entity:Unlikely	William Ross EPA (WH-548D) Washington, D.C. 20460 FTS:8-382-2184 COMM:202-382-2184	NPRM: 01/00/83 FR: 06/00/83
GENERAL			
NEW REGULATIONS			
Historic Preservation Regulations SAR No. 1566	Description: On January 30, 1979, the Advisory Council on Historic Preservation promulgated regulations that direct Federal agencies to establish procedures for implementing historic preservation requirements. EPA will comply by adding a new subpart to the NEPA regulations. Statutory Authority: NHPA 6 CFR:40 CFR 6 K Small Entity:Unlikely	Judith Troast EPA (A-104) Washington, DC 20460 FTS:8-382-5067 COMM:202-382-5067	ANPRM: 45FR67396 (10/10/80) NPRM:Undetermined
Regulations for the Federal Claims Collection Act SAR No. 1825	Description: These regulations will set standards for EPA's debt collection actions under the Federal Claims Collection Act. Statutory Authority: 31 USC 951-953 CFR:40 CFR 13 Small Entity:Unlikely	Ray Spears EPA (A-134) Washington, DC 20460 FTS:8-382-5313 COMM:202-382-5313	FR: 11/00/82
Implementing the Equal Access to Justice Act SAR No. 1737	Description: The Equal Access to Justice Act provides for award of attorney fees and other expenses to parties who prevail over the Federal government in certain administrative and court proceedings. This regulation will implement the Act for EPA. Statutory Authority: / 5 USC 504 CFR:40 CFR 17 Small Entity:Unlikely	James Clark EPA (A-133) Washington, DC 20460 FTS:8-755-9301 COMM:202-755-9301	IFR: 47FR7194 (04/20/82) FR: 12/00/82
REVISED REGULATIONS			
Simplifying Implementation of the National Environmental Policy Act (NEPA) SAR No. 1729	Description: This action will exclude certain recipients of EPA construction grants from EPA's NEPA implementation requirements when the funded activities have no significant environmental effects. It will also revise CEQ procedures in approving segmentation requests under 40 CFR 6.503. Statutory Authority: NEPA 102, 103 / 42 USC 4321 CFR:40 CFR 6 Small Entity:Unlikely	John Gerba EPA (A-104) Washington, DC 20460 FTS:8-382-5905 COMM:202-382-5905	IFR: 47FR9827 (03/08/82) IFR: 10/00/82 FR: 03/00/83
Amending NEPA Procedures Relating to Wastewater Construction Grants SAR No. 1835	Description: This action will update NEPA implementation procedures relating to wastewater treatment construction grants. It will make them consistent with the amendments for simplifying the construction grants regulations (see SAR No. 1722) and the 1981 Municipal Wastewater Treatment Construction Grant Amendments (P.L. No. 97-117). Statutory Authority: NEPA 102, 103 / 42 USC 4321 CFR:40 CFR 6 E Small Entity:Unlikely	John Gerba EPA (A-104) Washington, DC 20460 FTS:8-382-5905 COMM:202-382-5905	NPRM: 10/00/82 FR: 03/00/83
Regulations for Real Property Acquisition and Relocation Assistance SAR No. 1641 Docket No. G-80-2	Description: EPA is rewriting 40 CFR Part 4 regulations to: (1) incorporate legally necessary changes; (2) make them clearer; (3) clarify areas needing improvement; e.g., definitions, payment computation methods; and (5) reduce regulatory burdens per Executive Order 12291. Statutory Authority: / 42 USC 4601 CFR:40 CFR 4 Small Entity:Unlikely	Marshall Schy EPA (PM-216) Washington, DC 20460 FTS:8-382-5298 COMM:202-382-5298	ANPRM: 45FR60929 (09/15/80) NPRM: 47FR22010 (05/20/82) FR: 11/00/82

EPA REGULATIONS UNDER CONSIDERATION

GENERAL

Title	Summary	Contact	Timetable
Public Information and Confidentiality Regulations SAR No. 1791	Description: This action would make changes in EPA's procedures for handling requests under the Freedom of Information Act. It also adds a new section on procedures for treating confidential information under CERCLA. EPA will also modify its existing procedures for handling confidential information under FIFRA and RCRA. Statutory Authority: / 5 USC 552, 7 USC 136, 42 USC 9604 CFR:40 CFR 2 Small Entity:Unlikely	Charles Breece EPA (A-134) Washington, DC 20460 FTS:8-382-5460 COMM:202-382-5460	NPRM: 05/00/82 FR: 10/00/82
Financial Assistance to State and Local Governments for Environmental Programs SAR No. 1785	Description: This action replaces Subparts B, F, and G of 40 CFR Part 35. It supplements 40 CFR Part 30 by establishing uniform administrative requirements unique to program support assistance for State and local environmental agencies. We are eliminating unnecessary or duplicative requirements, standardizing as many other requirements as possible, identifying requirements unique to specific programs and rewriting all requirements in clear language. Statutory Authority: / 42 USC 7405, 7601(a), 300j-2, 300j-9, 6912(a), 6931, 6947 6948, 6949, 33 USC 1256, 1285(g), 1285(j), 1288, 1361(a), 7 USC 136b, 136u, 136w(a)y CFR:40 CFR 35 A Small Entity:Unlikely	George Alapas EPA (PM-216) Washington, DC 20460 FTS:8-382-5239 COMM:202-382-5239	NPRM: 47FR25912 (06/15/82) FR: 10/00/82
Procurement under Assistance Agreements SAR No. 1610 Docket No. G-80-3	Description: The proposed revision will reduce EPA's review of proposed contracts by shifting this function to recipients whenever possible. This revision implements OMB Circulars A-102 and A-110, Attachment O. Statutory Authority: CWA, CAA, FIFRA, SDWA, RCRA, PHSA, TSCA / 7 USC 135, 15 USC 2601, 33 USC 1251, 42 USC 241, 300j, 1857, 1891, 6901 CFR:40 CFR 33, 35.936-939 Small Entity:Unlikely	Richard Johnson EPA (PM-216) Washington, DC 20460 FTS:8-382-5296 COMM:202-382-5296	ANPRM: 46FR20567 (04/06/81) 46FR45963 (09/16/81) NPRM: 47FR8960 (03/02/82) IFR: 47FR20474 (05/12/82) FR: 11/00/82
General Regulations for Assistance Programs SAR No. 1547 Docket No. G-80-1	Description: EPA is revising the general grant (assistance) regulations and implementing the Federal Grant and Cooperative Agreement Act. At the same time, we will make other changes necessary to implement E.O. 12291. The revision will eliminate duplicative and unnecessarily burdensome requirements of the existing General Grant Regulations and Procedures. This regulation will affect all recipients of EPA assistance by establishing uniform administrative requirements. Statutory Authority: 41 USC 501, 33 USC 1251, 42 USC 7401, 6901, 300f, 9601, 7 USC 136, 15 USC 2601 CFR:40 CFR 30 Small Entity:Unlikely	John Davey EPA (PM-216) Washington, DC 20460 FTS:8-382-5292 COMM:202-382-5292	ANPRM: 45FR23706 (04/08/80) NPRM: 47FR26564 (06/18/82) FR: 11/00/82
Consolidated Permits: "Common Issues" SAR No. 1840	Description: This action would implement the "Common Issues" in the settlement agreement signed on November 16, 1981 in NRDC v. EPA. The "common issues" involve requirements for permits issued under all programs, i.e. RCRA, CWA, SDWA, and CAA. It also deals with the NPDES definition of "new discharger" and its relation to mobile drilling. EPA is also revising the NPDES Permit Program at the request of the President's Task Force on Regulatory Relief (see SAR 1753). Statutory Authority: CWA 402, 404, RCRA 3005, CAA 165, SDWA 1421 CFR:40 CFR 122, 123, 124 Small Entity:Unlikely	George Young EPA (EN-336) Washington, DC 20460 FTS:8-426-4793 COMM:202-426-4793	NPRM: 47FR25546 (06/14/82) FR: Undetermined

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
GENERAL			
Intergovernmental Review of Federal Programs SAR No. 1884	Description: The current regulation, 40 CFR 30.305, establishes procedures for State and areawide clearinghouse review of Federally-assisted programs and projects under OMB Circular A-95. By E.O. 12372 (7/14/82), the President directed the revocation of A-95, the establishment of new intergovernmental coordination procedures for Federal assistance or direct Federal development actions, and the development of new Agency regulations to be simple and flexible and to rely on the State's own procedures as much as possible. Statutory Authority: 42 USC 3301 CFR:40 CFR 29 Small Entity:Unlikely	John A. Gwynn EPA (PM-216) Washington, DC 20460 FTS:8-382-5268 COMM:202-382-5268	NPRM: 11/00/82 FR: 03/00/83
Environmental Permit Regulations SAR No. 1905	Description: At the request of the President's Task Force on Regulatory Relief, EPA is deconsolidating the permit programs for NPDES, RCRA, UIC, and 404. This action will streamline permitting procedures, reduce paperwork, and eliminate unnecessary reporting requirements. Statutory Authority: CWA 402, 404, SDWA 1421, RCRA 3005 / 33 USC 1342, 1344, 42 USC 6925, 7475, 41 USC 300(h) CFR:40 CFR 122-124 Small Entity:Unlikely	John Chamberlin EPA (PM-220) Washington, DC 20460 FTS:8-382-2782 COMM:202-382-2782	FR: 10/00/82

REGULATIONS DELETED FROM THE PREVIOUS AGENDA

Title and SAR(#)	Statutory Authority/CFR	Reason Deleted	Date & Cite of Last Action
Revised Worker Protection Standards for Agricultural Pesticides SAR No. 1640	FIFRA 3, 7, 25/40 CFR 170	Postponed Indefinitely	
Closed System Packaging SAR No. 1523	FIFRA 25(c)(3)/40 CFR 162	Cancelled	
Decision on Test Rules for Xylenes, Toluene, 4, 4-Methylenediamiline Acrylamide (Environmental), Hexachlorobutadiene, Acetonitrile, and Alkyl Epoxides SAR No. 1667	TSCA 4/40 CFR 799	Revised under SAR No. 1890	
Decision on Test Rules for Antimony, Antimony Trioxide, Antimony Sulfide, Arylphosphates, Cresols and Pyridine SAR No. 1668A	TSCA 4(a)/40 CFR 799	Revised under SAR No. 1891	
Health Effects Testing: Good Laboratory Practice Standards SAR No. 1739	TSCA 4(b)/40 CFR 792	Revised under SAR No. 1886	
Environmental Testing: Good Laboratory Practice Standards SAR No. 1740	TSCA 4(b), FIFRA 3/40 CFR 793	Revised under SAR No. 1886	
Proposed Exemption for Chemicals Used in or for Instant Photographic Film Articles SAR No. 1821	TSCA 5(h)(4)/40 CFR 723	Completed	47FR24308 (06/04/82)
Asbestos-Containing Materials in School Buildings – Identification and Notification SAR No. 1519A	TSCA 6(a)(3)/40 CFR 763	Completed	47FR23360 (05/27/82)
PCB Use in Electrical Equipment SAR No. 1709	TSCA 6(e)/40 CFR 761	Completed	47FR37342 (08/25/82)
Preliminary Assessment Information Reporting SAR No. 1137	TSCA 8(a)/40 CFR 712	Completed	47FR26992 (06/22/82)
Asbestos Use and Substitutes Reporting SAR No. 1552	TSCA 8(a)/40 CFR 763	Completed	47FR33198 (07/30/82)

REGULATIONS DELETED FROM THE PREVIOUS AGENDA

Title and SAR(#)	Statutory Authority/CFR	Reason Deleted	Date & Cite of Last Action
Health and Safety Study Reporting SAR No. 1139	TSCA 8(d)/40 CFR 716	Completed	47FR38780 (09/02/82)
Criteria for Best Management Practices SAR No. 1710	CWA 301(e), 304(e), 402(a)/40 CFR 125K	Cancelled	
Modified pH Standard for Effluent Guideline Limitations SAR No. 1655	CWA 301, 304/40 CFR 401	Completed	47FR24534 (06/04/82)
Effluent Guidelines for Textile Mills SAR No. 1417	CWA 301, 304, 306, 307, 501/40 CFR 410	Completed	47FR38810 (09/02/82)
Effluent Guidelines for Inorganic Chemicals SAR No. 1416	CWA 301, 304, 306, 307, 501/40 CFR 415	Completed	47FR28260 (06/29/82)
Effluent Guideline for Iron and Steel Manufacturing SAR No. 1405	CWA 301, 304, 306, 307, 501/40 CFR 420	Completed	47FR23528 (05/27/82)
Effluent Guideline for the Crushed Stone Industry SAR No. 1712	CWA 301, 304, 306, 307, 501/40 CFR 436	Postponed Indefinitely	
Definition of Small Water Supply Entities in Support of Regulatory Flexibility Analysis SAR No. 1742	SDWA, RFA 601	Cancelled	
Identification and Listing of Hazardous Waste: Definition of Household Waste SAR No. 1763	RCRA 3001/40 CFR 261.4(b)(1)	Postponed Indefinitely	
Identification and Listing of Hazardous Waste: Definition of Empty Container SAR No. 1762	RCRA 3001/40 CFR 261.7	Completed	47FR36092 (08/18/82)
Standards for Hazardous Waste Generators: Special Generators SAR No. 1827	RCRA 3002/40 CFR 262	Cancelled	
Consolidated Permits: Minor Technical Amendments SAR No. 1850	RCRA 3005, 3006/40 CFR 122, 123, 124	Completed	47FR15304 (04/08/82)
State Interim Authorization SAR No. 1837	RCRA 3006/40 CFR 123	Completed	47FR32373 (07/26/82)

REGULATIONS DELETED FROM THE PREVIOUS AGENDA

Title and SAR(#)	Statutory Authority/CFR	Reason Deleted	Date & Cite of Last Action
Resource Recovery: Reporting Requirements for Federal Agencies SAR No. 1815	RCRA 6004, SDWA 209/40 CFR 244, 245, 246	Completed	47FR36602 (08/20/82)
Guidelines for Federal Procurement of Spent Pickle Liquor Used in Wastewater Treatment: Phosphorus Removal Operations SAR No. 1779	RCRA 6002/40 CFR 249	Postponed Indefinitely	
NSPS: Coke Ovens Bat Stacks SAR No. 1688	CAA 111/40 CFR 60 EEE	Postponed Indefinitely	
NSPS: Lead-Acid Battery Manufacture SAR No. 1116	CAA 111/40 CFR 60 KK	Completed	47FR16564 (04/16/82)
NSPS: Phosphate Rock Operations SAR No. 1118	CAA 111/40 CFR 60 NN	Completed	47FR16582 (04/16/82)
NSPS: Asphalt Roofing Manufacture SAR No. 1591	CAA 111/40 CFR 60 UU	Completed	47FR34137 (08/06/82)
Requirements for Preparation, Adoption, and Submittal of Implementation Plans SAR No. 1783	CAA 307(b)/40 CFR 51.24, 52.21, 52.18(j), 52.24	Completed	47FR27554 (06/25/82)
Revisions to National Contingency Plan SAR No. 1642F	CERCLA 105/40 CFR 300	Completed	47FR31180 (07/16/82)
Debarments and Suspensions Under EPA Assistance Programs SAR No. 1716	40 CFR 32	Completed	47FR35940 (08/17/82)
Revisions to EPA's Policy and Regulation for Public Participation SAR No. 1794	RCRA 7004(b), SDWA 1450(a), CWA 101(e)/40 CFR 25	Postponed Indefinitely	

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EXISTING REGULATIONS UNDER REVIEW

Title, CFR No. and statutory authority	Description	Review authority	Contact	Timetable
NAAQS: Lead. 40 CFR 50, CAA 108, 109/42 U.S.C. 7408, 7409.	EPA is reassessing the health and welfare information that has become available since the last revision of the standard.	CAA 109	Bruce Jordan, EPA (MD-12), Research Triangle Park, North Carolina 27711, FTS 629-5655, COMM 919-541-5655.	
NAAQS: Ozone. 40 CFR 50, CAA 108, 109/42 U.S.C. 7408, 7409.	EPA is reassessing the health and welfare information that has become available since the last revision of the standard.	CAA 109	Bruce Jordan, EPA (MD-12), Research Triangle Park, North Carolina 27711, FTS 629-5655, COMM 919-541-5655.	
NSPS: Kraft Pulp Mills. 40 CFR 60, Subpart BB, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of pulping systems and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111, 12291, PRA	Ken Durkee, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5525, COMM 919-541-5525.	December 1982.
NSPS: Claus Sulfur Recovery Plants. 40 CFR 60, Subpart J, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of control systems and economic and technological developments in the industry. The existing rule exempts plants that produce 20 long tons or less of sulfur a day. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111, 12291 PRA	Ken Durkee, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5525, COMM 919-541-5525.	December 1982.
NSPS: Grain Elevators. 40 CFR 60, Subpart DD, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of control systems as well as economic and technological developments in the industry. The existing regulation exempts grain terminals that have a storage capacity of 2.5 million tons or less and grain storage facilities that store 1.0 million tons or less. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111, 12291, PRA, RFA	Gilbert Wood, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5595, COMM 919-541-5595.	November 1982.
NSPS: Primary Zinc and Lead Smelters, 40 CFR 60, CAA 111/42 U.S.C. 7411.	EPA is completing a review of the standards of performance for primary zinc and lead smelters. EPA will publish a notice in the Federal Register announcing its decision on whether or not to revise these regulations.	CAA 111	James Crowder, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5601, COMM 919-541-5601.	October 1982.
NSPS: Copper Smelters, 40 CFR 60, CAA 111/42 U.S.C. 7411.	EPA has completed an initial review of the standards of performance for primary copper smelters and will issue a Federal Register notice announcing possible revisions under consideration.	CAA 111	James Crowder, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5601, COMM 919-541-5601.	Completed.
NSPS: Nitric Acid Manufacture, 40 CFR 60, Subpart G, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of nitric acid and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111	Kenneth Durkee, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5595, COMM 919-541-5595.	September 1983.
NSPS: Sulfuric Acid Manufacture, 40 CFR 60, Subpart H, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of sulfuric acid and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111	James Crowder, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5601, COMM 919-541-5601.	September 1983
NSPS: Asphalt Concerte Plants, 40 CFR 60, Subpart I, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of asphalt concrete plants and control systems as well as economic and technologial development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111	Gilbert Wood, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5595, COMM 919-541-5595.	September 1983.
NSPS: Secondary Brass and Bronze Production, 40 CFR 60, Subpart M, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of secondary brass and bronze plants and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111	Gilbert Wood, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5595 ,COMM 919-541-5595.	September 1983.
NSPS: Sewage Treatment Plants, 40 CFR 60, Subpart O CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of sewage treatment plants and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111	James Crowder, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5601, COMM 919-541-5601.	
NESHAPS: Vinyl Chloride. 40 CFR 61, CAA 112/42 U.S.C. 7412.	EPA is reviewing the technological basis and the administrative aspects of the national emission standard for vinyl chloride. EPA is in the process of developing a schedule for revising the regulation.	12291	Robert Rosensteel, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5564, COMM 919-541-5595.	
NESHAPS: Beryllium. 40 CFR 61, CAA 112/42 U.S.C. 7412.	EPA is reviewing the technological basis and administrative aspects of the national emission standard for beryllium. EPA will isssue a notice in the Federal Register announcing possible revisions under consideration.	12291	Gilbert Wood, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5595, COMM 919-541-5595.	December 1982.
NESHAPS: Mercury. 40 CFR 61, CAA 112/42 U.S.C. 7412.	EPA is reviewing the techonological basis and administrative aspects of the national emission standard for mercury. EPA will issue a notice in the Federal Register announcing possible revisions under consideration.	12291	James Crowder, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5601, COMM 919-541-5601.	December 1982.
Visibility Protection for Federal Class I Areas, 40 CFR, 51, CAA 169/42 U.S.C. 7479.	In response to a petition, EPA is reviewing the visibility protection regulations promulgated on December 2, 1980 (45 FR 80084). EPA will issue an ANPRM that will request comments on many points raised by petitioners. These include the concept of "intergral vistas," the role of the Federal Land Managers, and new source review requirements.	12291	Johnnie Pearson, EPA (MD-15), Research Triangle Park, North Carolina 27711, FTS 629-5540, COMM 919-541-5540.	
Review of the 1985 Light-Duty Diesel Particulate Standard. 40 CFR 86, CAA 202(a)/42 U.S.C. 7521(a).	EPA has completed its review of the 1985 light-duty diesel particulate standards and has begun to revise it. See SAR #1894 in the "Clean Air Act" Section in the first part of the Agenda.	12291	John Anderson, EPA, 2565 Plymouth Rd., Ann Arbor, MI 48105, FTS 374-8496, COMM 313-668-4496.	Completed.

Title, CFR No. and statutory authority	Description	Review authority	Contact	Timetable
Study of the 1984 Heavy-Duty Engine Testing Requirements. 40 CFR 86, CAA 202(a)/42 U.S.C. 7521(a).	EPA has completed its review of the 1984 heavy-duty engine testing requirements as part of the President's program to provide regulatory relief to the automotive industry. See SAR #1719 in the "Clean Air Act" Section in the first part of the Agenda.	12291	John Anderson, EPA 2565 Plymouth Rd., Ann Arbor, MI 48105, FTS 374-8496, COMM 313-668-4496.	Completed.
Study of the Full Useful Life Provision for Heavy-Duty Engines and Light-Duty Trucks. 40 CFR 86, CAA 202(a)/42 U.S.C. 7521(a).	EPA has completed its study of the full useful life provision for heavy-duty engines and light-duty trucks. See SAR #1719 in the "Clean Air Act" Section in the first part of the Agenda.	12291	John Anderson, EPA, 2565 Plymouth Rd., Ann Arbor. MI 48105, FTS 374-8496, COMM 313-668-4496.	Completed.
General Pretreatment Regulations. 40 CFR 125, 403, CWA 307/33 U.S.C. 1317.	EPA has prepared a proposal on removal credits (see SAR #1866 in the section entitled "Clean Water Act") and is preparing revisions to decrease paperwork requirements (SAR #1900).	12291 RFA	William Diamond, EPA (EN-336), 401 M St., SW, Washington, D.C. 20460, FTS 426-4793, COMM 202-426-4793.	Completed.
Discharge Monitoring Reports in the NPDES Program, 40 CFR 122, CWA 401/33 U.S.C. 1342.	Under existing NPDES permits, industrial and municipal waste-water dischargers are responsible for self-monitoring of conventional pollutants and, in some cases, heavy metals. Dischargers report these data to EPA or delegated States in the form of Discharge Monitoring Reports (DMRs). EPA is evaluating the burden on the public generated by the DMRs and studying ways to increase the utility and cost-effectiveness of the program.	PRA	Harvey Karch, EPA (PM-223), Washington, D.C. 20460, FTS 382-2738, COMM 202-382-2738.	October 1982.
Marine Sanitation Devices, 40 CFR 140 CWA 312/33 U.S.C. 1322.	EPA and the Coast Guard have initiated a review of the Marine Sanitation Device program. Both agencies issued a Federal Register notice announcing this review and requesting comments on December 24, 1981 (46 FR 62479). EPA prepared a report analyzing the existing program and evaluating alternatives. The review will be completed after any legislative changes are made. At price of $4.30, the report may be obtained from the following address: Marine Safety Council (G-CMC), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.	12291 RFA	Jonathan Amson, EPA (WH-585), Washington, D.C. 20460, FTS 245-3036, COMM 202-245-3036.	December 1982.
Review of Implementation of the Safe Drinking Water Act 42 U.S.C. 300.	EPA has begun to revise several regulations in the drinking water area.They are identified in the first part of the Agenda under "Safe Drinking Water Act".	12291	Marian Mlay, EPA (WH-550), Washington,D.C. 20460, FTS 382-5508, Comm 202-382-5508.	Completed.
Groundwater Monitoring, 40 CFR 265, RCRA Subtitle C, 42 U.S.C. 6921 et seq.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing the interim status groundwater monitoring requirements for hazardous waste facilities that manage wastes in surface impoundments, in landfills or through land treatment. One purpose of this review is to determine whether the groundwater monitoring procedures succeed in identifying which facilities are adversely affecting groundwater. Another purpose is to review how useful the data is for EPA and other agencies. EPA will determine whether the resource burdens imposed on these facilities are justified by the expected benefits of the monitoring program.	PRA, 12291	Kathleen Kohl, EPA (WH-562), Washington, D.C. 20460, FTS 382-4606, COMM 202-382-4606. Harvey Karch, EPA (PM -223), Washington, D.C. 20460, FTS 382-2738, COMM 202-382-2738.	July 1983
Standards for Owners/Operators of Waste, Facilities: Land Treatment, 40 CFR 264, RCRA 3004/42 U.S.C. 6924.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all land treatment requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete its RIA on alternatives, environmental benefits, costs, and impact before promulgating final regulations.	12291 RFA	Cliff Rothenstein, EPA (WH-565), Washington, D.C. 20460 FTS 382-4647, COMM 202-382-4646.	July 1983.
Standards for Owners/Operators of Waste Facilities: Landfills. 40 CFR 264, RCRA 3004/42 U.S.C. 6924.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all land treatement requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete a RIA of alternatives, environmental benefits, costs and impact before promulgating final land disposal regulations.	12291 RFA	Margaret Podoolok, EPA (WH-565), Washington, D.C. 20460, FTS 382-4646, COMM 202-382-4646.	July 1983.
Standards for Owners/Operators of Waste Facilities: Storage. 40 CFR 264, Subparts I,J,L, RCRA 3004/42 U.S.C. 6924.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all regulatory requirements for storage of hazardous wastes in containers, tanks, and waste piles. EPA is preparing a RIA to consider alternatives, environmental benefits, costs, and impacts.	12291, RFA	John Heffelfinger, EPA (WH-565), Washington, D.C. 20460, FTS 382-4793, COMM 202-382-4793.	June 1983.
Standards for Owners/Operators of Waste Facilities: Surface Impoundments. 40 CFR 264, RCRA 3004/42 U.S.C. 6924.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all storage and disposal surface impoundments requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete its RIA on alternatives, environmental benefits, costs, and impacts before promulgating final storage and disposal surface impoundments regulations.	12291, RFA	Arthur Koines, EPA (WH-565) Washington, D.C. 20460, (FTS 322-4646, COMM 202 382-4646.	July, 1983
Standards for Owners/Operators of Waste Facilities: Incinerators. 40 CFR 264, Subparts O, RCRA 3004/42 U.S.C. 6924.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all incineration requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete a RIA on alternatives, environmental benefits, costs and impacts before promulgating final regulations.	12291, RFA	Frank Smith, EPA (WH-563), Washington, D.C. 20460, FTS 382-4646, COMM 202 382-4646.	July 1983.
Standards for Owners/Operators of Waste Facilities: Financial Responsibility. 40 CFR 264, Subpart H, RCRA 3004/42 U.S.C. 6924.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all financial requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete a RIA on alternatives, environmental benefits, costs and impacts before promulgating final regulations.	12291, RFA	Lawrence Buc, EPA (WH-565), Washington, D.C. 20460, FTS 382-4646, COMM-202-382-4646.	June, 1983.

Title, CFR No. and statutory authority	Description	Review authority	Contact	Timetable
Standards for Owners/Operators of Waste Facilities: Location. 40 CFR 122, 264-265, RCRA 3004/42 U.S.C. 6924.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all location standards for hazardous waste storage, treatment, and disposal facilities found in 100-year flood plains or seismically-active areas. EPA will complete its RIA on alternatives, environmental benefits costs and impacts before promulgating final regulations for general facility location.	12291, RFA	Peter Guerrero, EPA (WH-562) Washington, D.C. 20460, FTS 382-4604, COMM 202-382-4604.	July 1983
Exemption for Federal and State Agencies to Use Pesticides Under Emergency Considerations. 40 CFR 166, FIFRA 25/7 U.S.C. 136(w).	EPA will review the procedures used by Federal and State agencies to request emergency use of unregistered pesticides.	12291	Ferial Bishop, EPA (TS-767), Washington, D.C. 20460, FTS 557-7700, COMM 703-557-7700.	October 1982
Rules of Practice Governing Hearings. 40 CFR 164, FIFRA 25/7 U.S.C. 136(w).	Whenever it appears that the risks of using a pesticide outweigh the benefits of its use, FIFRA allows the Agency to refuse to register the pesticide or to remove it from the market through formal adjudicatory hearings. Such hearings examine the risks and the benefits of a pesticide's use, and the outcome can have significant effects on pesticide producers, users, and the public health. EPA will review the rule describing the procedures by which such hearings are conducted.	12291	Ed Gray, EPA (A-122), Washington, D.C. 20460, FTS 755-0638, COMM 202-755-0638.	October 1982
Tetrachlorodibenzo-P-Dioxin—Prohibition of Disposal, 40 CFR 775, TSCA 6(a)/15 U.S.C. 2605(a), Docket No: OPTS 62007A.	EPA has issued an ANPRM announcing its intent to review the regulation prohibiting Vertac Chemical Company from disposing dioxin-containing wastes in Jacksonville, Arizona. The notice was published on January 5, 1982 (47 FR 193).	12291	Suzanne Rudzinski, EPA (TS-794), Washington, D.C. 20460, FTS 382-3945, COMM 202-382-3945.	June 1983
Policy Statement on Polynuclear Aromatic Compounds, 40 CFR 180.	EPA will review its current policy concerning polynuclear aromatic compounds under the Pesticides Registration Program.	12291	Ken Bailey, EPA (TS-769C), Washington, D.C. 20460, FTS 557-7351, COMM 703-557-7351.	April 1983
Disposal and Storage Guidelines, 40 CFR 165, FIFRA 19(a).	EPA will review guidelines and regulations for the disposal and storage of packages and containers of pesticides by Federal agencies.	12291	Ray Krueger, EPA (TS-769C), Washington, D.C. 20460, FTS 557-7347, COMM 703-557-7347.	November 1982
Experimental Use Permits, 40 CFR 172, FIFRA 5.	EPA will review the procrdures followed by registrants who request Experimental Use Permits (EUPs) from the Agency.	12291, RFA	Donald Stubbs, EPA (TS-767C), Washington, D.C. 20460, FTS 557-1192, COMM 703-557-1192.	February 1983
Equivalency in New Source Review, 40 CFR 51.18, CAA 110.	At the request of the President's Task Force on Regulatory Relief, the Agency is reviewing its New Source Review (NSR) Program to determine whether and how it can give states greater flexibility in meeting Clean Air Act requirements.	12291	Michael Trutna, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5591, COMM 919-541-5591.	Undetermined.

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federal register

Thursday
October 28, 1982

Part XX

Equal Employment Opportunity Commission

Semi-Annual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semi-Annual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semi-Annual Regulatory Agenda.

SUMMARY: This semiannual regulatory agenda is published in accordance with the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*). The agenda lists those guidelines which have been designated for review by the Presidential Task Force on Regulatory Relief under Section 3(i) of the Executive Order; proposed guidelines and regulations, or their amendments and revisions, that have been noticed in the **Federal Register** for public comment; the need and legal basis for the actions being considered; the name and telephone number of a knowledgeable official, and the status of items previously reported; and a list of proposed guidelines and regulations, or their amendments and revisions, currently being developed or under consideration for development. An assessment of EEOC's regulations under review and development shows that only one of the proposed regulations, so identified in this agenda, is likely to fall within the Executive Order's definition of a major rule. In addition, two proposed regulatory actions, so identified in this agenda, are likely to be subject to the Regulatory Flexibility Act requirements. These two items are published here to particularly allow interested small entities a meaningful and early opportunity to comment and participate in all stages of Commission regulatory development.

EFFECTIVE DATE: October 1982.

FOR FURTHER INFORMATION CONTACT: Chris Roggerson, Director, or Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506; telephone (202) 634–6334.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require that a regulatory agenda of regulations under development and review be published in the **Federal Register** in April and October of each year. Signed at Washington, D.C. this 21st day of September 1982.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

Title	Description	Authority	Status	Contact
	A. Guidelines To Be Reviewed Pursuant to Executive Order 12291			
Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607.	The guidelines, issued pursuant to Title VII of the Civil Rights Act of 1964, provide a uniform set of principles for all employers to assure that their selection procedures do not discriminate on the basis of race, color, religion, sex or national origin.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000*e et seq.*; Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *seq.*	Final Guidelines were published in 43 FR 38290 on Aug. 25, 1978, and became effective on September 25, 1978. A survey designed to assess the practical utility of the guidelines' recordkeeping requirements was sent to the Office of Management and Budget for clearance on February 26, 1982. In May, 1982, the OMB disapproved the survey as being unnecessary, and recommended the holding of a public hearing in order to obtain views on practical utility and reasonableness of the recordkeeping requirements. Accordingly, the Commission will determine appropriate action.	Raj K. Gupta, Office of Policy Implementation, Equal Employment Opportunity Commission (EEOC), 2401 E Street NW., Washington, D.C. 20506, (202) 634–6334.
Guidelines on Discrimination Because of Sexual Harassment, 29 CFR 1604.	The guidelines reaffirm the Commission's view that sexual harassment in the workplace is an unlawful employment practice. The guidelines outline employers' responsibility for sexual harassment experienced by their employees.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000*e et seq.*	The guidelines on sexual harassment became final on Nov. 10, 1980, upon publication in 45 FR 74676. EEOC is considering appropriate action for review.	Raj K. Gupta, Office of Policy Implementation, EEOC, (202) 634–6334.
	B. Proposed Regulations or Guidelines			
Employment Discrimination; Procedures for Handling Complaints. 29 CFR 1691.	These regulations, proposed by EEOC and Department of Justice, contemplate that most individual complaints of employment discrimination which are filed with Federal fund granting agencies under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other Federal laws will be referred to EEOC for processing.	Executive Order 12067, 43 FR 28967 (June 30, 1978), Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000*e et seq.*	Notice of proposed rule was published in 46 FR 22395 on April 17, 1981. The comment period ended on June 16, 1981. The proposed final rule was coordinated with affected agencies for comment under Executive Orders 12067 and 12250. Publication of the final regulations is anticipated in 1982.	Douglas Bielan, Office of Interagency Coordination, EEOC, (202) 634–6915. David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division, Department of Justice, Tenth Street and Pennsylvania Avenue, Washington, D.C. 20503, (202) 633–3831.
Recordkeeping Regulations.[1] 29 CFR 1602.	The Commission proposes to revise its recordkeeping regulations to require certain employers and labor unions to maintain lists of applicants for employment and to retain employment records for two years or until termination of a Commission or court proceeding.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000*e et seq.*	Notice of proposed revisions was published in 43 FR 32280 on July 25, 1978. The comment period ended Sept. 21, 1978. A public hearing was held on September 21, 1978, and the record was held open until October 1, 1978. The Commission is considering further revisions to the proposed amendments pending completion of a study on the feasibility of a uniform government-wide equal employment opportunity recordkeeping regulation. Publication of the final regulations is anticipated by July 1984.	Anthony Demarco, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634–6595.

Title	Description	Authority	Status	Contact
Non-Discrimination on the Basis of Handicap in Federally assisted programs. 29 CFR 1615.	Proposed regulations setting forth procedures and policies to assure non-discrimination on the basis of handicap in employment and operations of programs receiving assistance from the Equal Employment Opportunity Commission.	Rehabilitation Act of 1973, as amended, 29 U.S.C. 794.	Proposed regulation published in 44 FR 68482 on November 29, 1979. Comment period ended on January 28, 1980. Approved by Commission and now in formal interagency coordination pursuant to Executive Order 12067.	Nicholas M. Inzeo, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634-6595.
Collection of Applicant Data for Affirmative Action purposes. 29 CFR 1613.706.	This amendment permits federal agencies to collect handicap information from applicants for employment in order to implement and evaluate special recruitment programs undertaken for affirmative action purposes.	Rehabilitation Act of 1973, as amended, 29 U.S.C. 791.	Interim guidelines published in 46 FR 11285 became effective on Feb. 6, 1981. The period for written comments expired April 7, 1981. Implementation of the final regulation is dependent on the development of an interagency report form which is in the process of being developed by OPM with the approval of OMB.	Clayton J. Boyd, Division of Programs for Handicapped Individuals, Office of Government Employment, EEOC, (703) 756-6040.
Equal Employment Opportunity in the Federal Government; Remedial Relief under Section 717. 29 CFR 1613.	Proposed amendments provide that an agency or the Commission may award a complainant reasonable attorney's fees and costs and backpay when an allegation of discrimination prohibited by Section 717 is resolved in favor of the complainant.	Section 717 of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000*e*-16.	Interim regulations, effective April 11, 1980, were published in 45 FR 24130 on April 9, 1980. Final regulations have been approved by the Commission and are in interagency coordination pursuant to Executive Order 12067.	Nicholas M. Inzeo, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634-6595.
The Equal Pay Act Interpretations. 29 CFR 1620.1-1620.18.	The Commission proposes interpretations with respect to the enforcement of the Equal Pay Act. These interpretations would replace those issues by the Department of Labor which appear at 29 CFR Part 800.	Equal Pay Act of 1963, 29 U.S.C. 206(d) *et seq.*; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 *et seq.*, and Portal-to-Portal Act of 1947, 29 U.S.C. 255.	Proposed regulations were published in 46 FR 43848 on Sept. 1, 1981. Comment period ended on Nov. 2, 1981. Redrafting in progress.	Anthony J. DeMarco, (202) 634-6595 or Clement Hyland, (202) 653-5490, Legal Counsel Division, Office of the General Counsel, or Raj K. Gupta, Office of Policy Implementation, EEOC, (202) 634-6334.
Procedures: Age Discrimination in Employment Act. 29 CFR 1626.	Proposed regulations advising the public as to the procedures which are to be followed in processing charges and issuing interpretations and options under the ADEA.	Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.*	Proposed regulations were published on Jan. 30, 1981, 46 FR 9970. Comment period ended on March 31, 1981. Commission vote on final regulation is anticipated in 1982.	John J. Pagano, Legal Counsel Division, Office of General Counsel, EEOC, (202) 634-6595.
	C. Final Regulations			
Privacy Act of 1974; proposed Privacy Act System of Records.	The EEOC has issued regulations that will establish a system of records which will contain information on individuals who file charges or complaints under the ADEA or EPA and exempting this system of records from certain provisions of the Privacy Act.	Privacy Act of 1974, 5 U.S.C. 301 and 552a; Equal Pay Act, 29 U.S.C. 206(d) *et seq.*; Age Discrimination in Employment Act, 29 U.S.C. 621 *et. seq.*; Public Printing and Documents, 44 U.S.C. 3101.	Final regulation became effective April 30, 1982, upon publication in 47 FR 18654.	Anthony J. DeMarco or Clement Hyland, Legal Counsel Division, Office of General Counsel, EEOC, (202) 634-6595.
Privacy Act Regulations. 29 CFR 1614.	The proposed rule exempts system EEOC-1, Age and Equal Pay Act Discrimination Case Files from certain provisions of the Privacy Act.	Equal Pay Act, 29 U.S.C. 206(d) *et seq.*; Age Discrimination in Employment Act, 29 U.S.C. 621 *et seq.*	Final regulation became effective April 30, 1982, upon publication in 47 FR 18594.	
	D. Regulations Currently Under Development or Being Considered for Development			
Title VI regulations. 29 CFR 1616.....	These regulations will establish procedures for organizations receiving Federal funds from EEOC and for persons who believe they have been discriminated against by organizations receiving Federal funds from EEOC.	Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000*d et seq.*	Under Development.....	Gary L. Janus, Legal Counsel Division, Office General Counsel, EEOC, (202) 653-5490.
Coordination of Federal Equal Employment Opportunity Programs. 29 CFR 1690.	These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under E.O. 12067, DOJ under E.O. 12250,[3] and from OMB under E.O. 12291 and the Paperwork Reduction Act.	Executive Order 12067, 43 FR 28967, (June 30, 1978), sections 1-303 and 1-304).	Technical amendments have been coordinated with affected Federal agencies and are awaiting OMB approval.	Douglas J. Bielan, Office of Interagency Coordination, EEOC, (202) 634-6915.
Equal Employment Opportunity in the Federal Government. 29 CFR 1613.	Comprehensive revision of regulations for processing individual and class EEO complaints in the Federal sector.	Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 20003-16. Rehabilitation Act of 1973, as amended, 29 U.S.C. 701, and Age Discrimination in Employment Act 29 U.S.C. 621 *et seq.*	Under Development.....	Thomas Saltonstall, Office of Field Services, EEOC, (202) 634-6855.
	Comprehensive revision of regulations on affirmative action in the Federal sector.	.....do.....	.....do.....	Do.
	Development of interim procedural regulations for the Federal sector requiring that all allegations of reprisal discrimination be processed as regular complaints.	.....do.....	Staff draft transmitted to Federal agencies for comments, Sept. 1982.	Do.

Title	Description	Authority	Status	Contact
	Development of interim procedural regulations for processing complaints of discrimination about personnel actions which are appealable to the Merit Systems Protection Board (mixed case complaints).	.....do.....	.....do.....	Do.
	Development of interim procedural regulations for administratively appealing decisions on grievances where an allegation of discrimination has been raised.	.....do.....	.....do.....	Do.
	Development of procedural regulations for processing Federal sector complaints filed under the Equal Pay Act.	Equal Pay Act of 1963, 29 U.S.C. 206(d) *et seq.* and Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 204(f) and 206(d).	Under Development.....	Do.
	Selective revision of procedural regulations for preappellate and appellate processing of individual EEO complaints in the Federal sector to, inter alia: eliminate duplicative processing where EEO complaints and grievances are filed on the same matter; provide a time limit for issuing an agency decision where a Complaints Examiner has issued a recommended decision; provide for consolidation of processing of certain complaints; provide for timely submission of evidence in connection with an appeal; allow for drawing adverse inference when submission not timely; to impose a time limit within which complainant may request the Commission to reopen and reconsider a previous decision; and clarify completion of administrative process for purposes of filing suit.	Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-16, Rehabilitation Act of 1973, as amended, 29 U.S.C. 701, and Age Discrimination in Employment Act, 29 U.S.C 621 *et seq.* Civil Service Reform Act of 1978, 6 U.S.C. 7121.	.....do.....	Do.
Interpretative Bulletin on Employee Benefit Plans.[1] [3] CFR 1625.10.	Comprehensive review of regulations dealing with costs and benefits under employee benefit plans; development of comprehensive rules implementing newly added Section 4(g) of the ADEA.	The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 628.	Proposed regulation expected to be presented to Commission for approval in early 1983.	John J. Pagano or Christopher Mackaronis, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634-6595.

[1] This proposed regulatory action is also published pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) which requires that the Commission publish a semiannual agenda of regulatory actions which are likely to have a significant economic impact on a substantial number of small entities.

[2] In addition to clearance by the EEOC under E.O. 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under E.O. 12250.

[3] It is anticipated that a regulation to implement new Section 4(g) of the ADEA will be a major rule under E.O. 12291.

[FR Doc. 82-27916 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXI

Federal Emergency Management Agency

Semi-Annual Agenda

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semi-Annual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semi-Annual Agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 ("Federal Regulations") the Federal Emergency Management Agency is publishing its semi-annual agenda for FEMA. The agenda lists regulations that will be under development or review during the period October 1, 1982 to April 1, 1983.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Assistant General Counsel, Legislation and Regulations, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472 (202) 287–0377.

ADDRESS: Docket Clerk, Office of General Counsel, Room 835, 500 C Street, SW, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulations," (46 FR 13193) directs each Executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semi-annually in order to give the public adequate notice of agency rulemaking activities; also, publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 602 and 605.

In fulfillment of requirements imposed by the Executive Order and 5 U.S.C. 601, *et seq.*, this agenda describes current and projected regulations, and regulations which will be under review during the period October 1, 1982 to April 1, 1983. This agenda also contains information on regulations on which action was completed since the last FEMA semi-annual agenda published April 29, 1982 at 47 FR 18391.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 6 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities, and similar designations.

FEMA REGULATIONS: TITLE 44, CHAPTER I

Current and Projected Rulemakings—No Priority

Title: Nondiscrimination in Federally-Assisted Programs

Agency Contact: John J. Brosnahan, Director, Office of Equal Opportunity, 500 C Street, SW., Washington, DC 20472, (202) 287–0700.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 7.

Legal Authorities: 42 U.S.C. 2000 d-1; 20 U.S.C 1978; 29 U.S.C. 6101; Reorganization Plan No 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127 (3 CFR 1979 Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1975, Title IX of the Education Amendments of 1972, and section 311 of the Disaster Relief Act of 1974.

Timetable: Notice of Proposed Rulemaking: To be published about December 17, 1982.

Title: Financial Assistance, Grants and Cooperative Agreements

Agency Contact: Arthur E. Curry, Director, Policy Division, Office of Comptroller, 500 C Street, SW., Washington, D.C. (202) 287–0630.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 13.

Legal Authorities: Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127 (3 CFR Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Abstract: These proposed rules apply to grants and cooperative agreements entered into by FEMA. It defines terms, and sets forth certain general policies applicable to discretionary grants, including standard clauses. Payment procedures and closeouts are covered.

Timetable: Final rule to be published about March 31, 1983.

Title: Flood Insurance: Reduction of Publications

Agency Contact: Richard Sanderson, Chief, Natural Hazards Division, Office of Natural and Technological Hazards, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472 (202) 287–0270.

Effect on Small Business and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR Parts 59, 64, 65, 67, 70.

Legal Authorities: National Flood Insurance Act of 1968 Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 *et seq.)*

Abstract: This would reduce the page volume or eliminate publication in the **Federal Register** as rules of a number of lists of communities eligible for sale of insurance, lists of areas designated with special or no-flood hazard areas, final flood elevation determinations, and notices of map amendment.

Timetable: Advance Notice of Intent published August 4, 1982, 47 FR 33721. Comments due by October 4, 1982. Notice of Proposed Rulemaking to be published November, 1982.

Title: National Flood Insurance Program Flood Plain Management Criteria for Flood-Prone Areas (44 CFR Part 60)

Agency Contact: Melinda Hulsey, Federal Emergency Management Agency, 500 C Street SW., Washington, D.C. 20472, (202) 287–0213

Effect on Small Businesses and Other Entities: None—No regulatory flexibility analyses.

CFR Citations: 44 CFR Parts 59 and 60.

Legal Authority: Section 1361, National Flood Insurance Act of 1968, *as amended* (42 U.S.C., 4102).

Abstract: The Federal Emergency Management agency (FEMA) proposes to revise the minimum flood plain management standards for community participation in the National Flood Insurance Program (NFIP). To be eligible for the sale of flood insurance, communities are required to adopt local flood plain management measures which meet these minimum standards. FEMA requests comments from interested persons on how to improve the efficiency of the NFIP while maintaining the effectiveness of these minimum standards in reducing flood losses. Comments are sought especially on the treatment of mobile homes, clarification of terms used in the NFIP regulations, how alluvial fan flooding should be addressed, and on ways in which to increase State involvement in flood plain management efforts.

Timetable: Advance Notice of Proposed Rulemaking to be published in October 1982.

Title: National Flood Insurance Program, Scheduled Policy

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, D.C. 20472, (202) 287–0740.

Effect on Small Businesses and Other Entities: None perceived at this time. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 61 Subpart B.

Legal Authorities: The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 USC 4001 *et seq.*, Reorganization Plan No. 3 of 1973 (3 CFR Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Abstract: Establishment of a rating system and application/policy issuance procedure to allow more than one building at a location to be insured under one policy.

Timetable: Proposed rulemaking to be published in **Federal Register**, on January 31, 1983. Comment period to be closed on April 1, 1983. Final rule to be published in **Federal Register**, on August 1, 1983.

Title: National Flood Insurance Program, New Rating System

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, D.C. 20472, (202) 287–0740.

Effect on Small Businesses and Other Entities: None perceived at this time. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 61 Subpart B.

Legal Authorities: The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 USC 4001 *et seq.*, Reorganization Plan No. 3 of 1973 (3 CFR Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Abstract: Establishment of a new insurance rating system for the Emergency Program more reflective of the peril insured against (tailored to the present Zone A rating process).

Timetable: Proposed rulemaking to be published in **Federal Register**, on January 31, 1983. Comment period to be closed on April 1, 1983. Final rule to be published in **Federal Register**, on August 1, 1983.

Title: National Flood Insurance Program, Exclusion to Standard Flood Insurance Policy

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472 (202) 287–0740.

Effect on Small Businesses and Other Entities: None perceived at this time. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 61 Subpart B.

Legal Authorities: The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1973 (3 CFR Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Abstract: This exclusion relates to new construction and substantial improvements in coastal barriers. After October 1, 1983, new construction and substantial improvements in Department of Interior designated undeveloped coastal barriers will not be insurable.

Timetable: Proposed rulemaking to be published in **Federal Register** on January 31, 1983. Comment period to be closed on April 1, 1983. Final rule to be published in **Federal Register** on August 1, 1983.

Title: National Flood Insurance Program, Waiting Period Rule Change

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472 (202) 287–0740.

Effect on Small Businesses and Other Entities: None perceived. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 61 Subpart B.

Legal Authorities: The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1973 (3 CFR Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Abstract: This regulation would amend the waiting period rule so as to lengthen the waiting period for increased coverage in mid-policy term from one day to five days.

Timetable: Proposed rulemaking to be published in **Federal Register** on January 31, 1983. Comment period to be closed on April 1, 1983. Final rule to be published in **Federal Register** on August 1, 1983.

Title: Disaster Assistance, Declaration Processing

Agency Contact: Sewall H.E. Johnson, Office of Disaster Assistance Programs, Directorate of State and a Local Programs and Support, 500 C Street, SW., Washington, D.C. 20472 (202) 287–0501).

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 205 Subpart C.

Legal Authorities: Disaster Relief Act of 1974 (42 U.S.C. 2151 *et seq.*)

Abstract: This regulation pertains to Governor's requests for declaration of major disasters or emergencies processing of their requests, declaration by the President, activities of Federal Coordinating Officers, designation of areas eligible for assistance, and types of assistance to be provided.

Timetable: Comments from the Proposed Rule are being reviewed. The Final Rule will be published in October, 1982.

Title: Disaster Assistance—Individual Assistance; (Subpart D) Temporary Housing

Agency Contact: Agnes Mravcak, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 287–0550.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR 205.52.

Legal Authority: Section 404, Disaster Relief Act of 1974, as amended (42 U.S.C. 5174).

Abstract: This rule implements the temporary housing provisions of the Disaster Relief Act of 1974 by specifying general eligibility guidelines, forms of assistance, and other procedural requirements and limitations. Temporary Housing Assistance is intended to assist individuals and families when there is a demonstrated need which cannot be met by other resources such as property insurance benefits.

Timetable: Interim regulations will be published in early October, 1982. Comments will be accepted for a six month period.

Title: Disaster Assistance—Individual Assistance; (Subpart D) Cora Brown

Agency Contact: Agnes Mravcak, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 287–0550.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR 205.60.

Legal Authority: Section 601 of the Disaster Relief Act of 1974, as amended by PL 96–446 (94 Stat. 1893; October 13, 1980).

Abstract: This interim rule specifies the conditions under which assistance to individual disaster victims will be provided under the terms of the will of Mrs. Cora Brown, who left the bulk of her estate to the Federal government to aid disaster victims in situations not caused by war. It specifies the administrative procedures and purposes of the fund.

Timetable: An interim rule will be published in late October, 1982. Comments will be accepted for 60 days.

Title: Disaster Assistance—Individual Assistance; Crisis Counseling

Agency Contact: Agnes Mravcak, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 287–0555.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR 205.59.

Legal Authority: Section 413, Disaster Relief Act of 1974, as amended (42 U.S.C. 5183).

Abstract: This proposed rule will implement the Crisis Counseling Assistance and Training provisions of the Disaster Relief Act. It will include eligibility criteria, application and appeal procedures, and requirements for State planning. The Crisis Counseling Assistance and Training program provides mental health services to those who may have disaster-related needs.

Timetable: Rule to be published as a proposed rule in January, 1983. Comments will be accepted for 60 days.

Title: Disaster Assistance—Public Assistance (Subparts E and H)

AGENCY CONTACT: John Lundberg, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472, (202) 287–0572.

Effect on Small Businesses and Other Entities: None.

CFR Citations: 44 CFR 205 Subparts E and H.

Legal Authority: Section 601, Disaster Relief Act of 1974, as amended (42 U.S.C. 5201).

Abstract: Purpose is to modify FEMA's policy concerning the disposition of interest earned on advance of funds.

Timetable: To be completed during first half of FY 1983.

Title: Part 205— Federal Disaster Assistance (Pub. L. 93–288; Subpart M—Hazard Mitigation)

Agency Contact: John D. Seyffert, Chief, Mitigation Assistance Division Disaster Assistance Programs, Federal Emergency Management Agency, Room 713, 500 C Street, SW, Washington, D.C. 20472 (202) 287–0520.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR 64809.

Legal Authority: Section 406, Public Law 93–288, Disaster Relief Act of 1974.

Abstract: The proposed rule revision clarifies the hazard mitigation provisions of the Disaster Relief Act of 1974 by specifying general plan requirements and guidelines as well as other procedural requirements. The Hazard Mitigation Requirement is intended to serve as an aid to State and local governments in developing an overall mitigation program to minimize the costs of natural disasters.

Timetable: Proposed reulemaking will be published in March, 1983.

Title: Civil Defense, State and Local Emergency Management Assistance (EMA)

Agency Contact: Donald J. Carbone, Chief, Management Development Branch, Office of Emergency Management Programs, Directorate of State and Local Programs and Support, 500 C Street; SW. Washington, D.C. 20472 (202) 287–3850.

CFR Citations: 44 CFR Part 302.

Legal Authorities: Section 205, Federal Civil Defense Act of 1950, as amended, 50 U.S.C. App. 2286.

Abstract: The proposed rule will elicit comments on the entire 44 CFR 302 and specifically on a revised allocation formula promulgated by an amendment to the Federal Civil Defense Act requiring that in allocating EMA funds, due regard be given to areas prone to natural disasters.

Timetable: Advance NPRM published April 8, 1982, 47 FR 14500. Comment due May 5, 1982. NPRM—1 qtr. 1983. Final Rule—2nd qtr. 1983.

Title: Review and Approval of State and Local Radiological Emergency Plans and Preparedness

Agency Contact: Marshall E. Sanders, Chief, Program Development Branch, Technical Hazards Division, Directorate of State and Local Programs and Support, 500 C Street, SW., Washington, D.C. 20472 (202) 287–0179.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 350.

Legal Authorities: Section 109, NRC Appropriation Authorization Act 1980; Title V, Federal Civil Defense Act of 1950, as amended; section 201, Disaster Relief Act of 1974.

Abstract: Rule establishes procedures by which FEMA reviews and approves State and local plans and preparedness for coping with the offsite effects of radiological emergencies which may occur at nuclear power facilities. Plans voluntarily submitted for review. The FEMA findings can be used by NRC in its licensing proceedings. Rule sets out criteria telling how and when a State submits plans and describes FEMA process for reviewing and approving plans.

Timetable: Published initially as a proposed rule, June 24, 1980, 45 FR 42341. Revised NPRM published August 19, 1982, 47 FR 36386. Comment on proposed rule due October 18, 1982. Final rule to be published by April 1983.

Title: Coordination of Civil Emergency Assistance Functions of Executive Agencies

Agency Contact: Deborah Kenny, Office of Emergency Coordination, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street SW., Washington, D.C. 20472.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: To be determined.

Legal Authorities: E.O. 12148, Section 2–101 and 2–203.

Abstract: These regulations would implement FEMA's civil emergency assistance coordination functions in non-declared situations.

Timetable: Proposed rule published for comment in 3rd quarter of FY 83.

Title: State and Local Consultation: Executive Order 12372 Implementation

Agency Contact: William L. Harding, Office of General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, D.C. 20472, (202) 287–0377.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analysis.

CFR Citations: 44 CFR Chapter 1, Subchapter A.

Legal Authorities: Executive Order 12372.

Abstract: This regulation will set out FEMA procedures implementing the requirements of Executive Order 12372 which relates to intergovernmental review of Federal programs and consultation with State and local governments.

Timetable: January 15, 1983—Notice of proposed rulemaking published (after prior consultation with OMB). April 30, 1983—final regulations published.

Title: Executive Order 11988, Floodplain Management—Regulatory Review

Agency Contact: Lee M. Thomas, Associate Director, Office of State and Local Programs, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472 (202) 287–0486.

Effect on Small Businesses and Other Entities: None perceived at this time. No regulatory flexibility analysis.

CFR Citations: 44 CFR Chapter 1, Subchapters A and B.

Legal Authorities: National Flood Insurance Act of 1968, *as amended,* the Flood Disaster Protection Act of 1973, *as amended,* 42 U.S.C 4001 *et seq.,* and the National Environmental Policy Act of 1969, *as amended,* (42 U.S.C. 4321 *et seq.).*

Abstract: Review of Federal agency compliance with Executive Order 11988. Determination on impact on level of

unwise Federal support in designated floodplain areas. Review appropriateness of 100 year flood standard.

Timetable: Preliminary report, January, 1983. Final report, May, 1983.

Regulations Under Review

As of the date of preparation of this Agenda, there were no specific studies to determine whether to propose modification through rulemaking although at all times FEMA has its regulations under scrutiny.

Completed Actions

Action on the following regulations was completed during the period from the date of FEMA's last semi-annual agenda (April 30, 1982) to October 1, 1982.

44 CFR Part 61—National Flood Insurance Program Coverage, Sales and Loss Prevention Provisions; Agency contact: Donald L. Collins, (202) 287–0740; Final rule issued effective June 1, 1982, 47 FR 19138.

44 CFR Part 68—Base Flood Elevation Determinations. Administrative Hearing Procedures. Agency contact: Gregg Chappell (202) 287–0230. Final rule issued effective June 28, 1982, 47 FR 23448.

44 CFR Parts 80, 81, 82, 83, and 84—Federal Crime Insurance Program. Agency contact: Robert J. DeHenzel, (202) 287–0800. Final Rule issued effective June 1, 1982, 47 FR 19348.

44 CFR Parts 312—Use of Civil Defense Personnel, Materials and Facilities. Agency contact: John E. Bokel (202) 287–3843. Final Rule signed. To be published on or about October 1, 1982.

Dated: October 1, 1982.

George Jett,

General Counsel.

[FR Doc. 82–27917 Filed 10–27–82; 8:45 am]

BILLING CODE 6718–01–M

federal register

Thursday
October 28, 1982

Part XXII

Federal Mediation and Conciliation Service

Unified Agenda of Federal Regulations

Part XXII

Federal Mediation and Conciliation Service

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation and Conciliation Service is considering the issuance of one regulation subject to the Regulatory Flexibility Act during the one year period from October 1982 to October 1983. That regulation is the Service's Fee For Arbitration Service. In addition, the Service is reviewing one regulation—Arbitration Policy and Practice—to determine whether to propose modifications.

FOR FURTHER INFORMATION CONTACT: Daniel P. Dozier, Associate General Counsel, 2100 K Street, N.W., Washington, D.C. 20427, 202/653-5305.

Fees for Arbitration Services

The Federal Mediation and Conciliation Service is proposing to amend 29 CFR 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 if 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 service furnished. If these provisions are enacted, compliance by FMCS will be initiated by the issuance of final fee regulations within one month, of enactment. The impact on small business would be analyzed after Congressional authorization.

Review of Existing Arbitration Regulations

The Federal Mediation and Conciliation Service is considering whether to rewrite its existing Arbitration Services regulations at 29 CFR Part 1404. The Service will decide whether to rewrite these rules in April-June 1983. If the Service does rewrite the regulations, a Notice of Proposed Rulemaking would be published and public comments solicited. There will be no impact on small business. The authorizations to promulgate Part 1404 are pursuant to Section 202, 61 Stat. 153 as amended; 29 U.S.C. 172, and interpret or apply sec. 3, 80 Stat. 250, sec. 203, 61 Stat. 153; 5 U.S.C. 552, 29 U.S.C. 173.

Kay McMurray,

Director.

[FR Doc. 82-27918 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXIII

General Services Administration

Unified Agenda of Federal Regulations

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1 and 101

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda annouces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since April 1982. This agenda was developed under the guidelines in OMB Bulletin No. 82–16, dated July 22, 1982.

FOR FURTHER INFORMATION CONTACT: Anthony Artigliere, Chief, Directives and Reports Management Branch (202–535–7658).

SUPPLEMENTARY INFORMATION: The agenda lists, by GSA service and staff office, current and projected rulemakings, reviews of existing regulations, and completed actions.

GSA has two priority regulations designated by the Presidential Task Force on Regulatory Relief. These regulations are listed under the category of current and projected rulemakings for the Public Buildings Service.

Dated: September 24, 1982.

Gerald P. Carmen,

Administrator.

OFFICE OF ACQUISITION POLICY

OFFICE OF FEDERAL PROCUREMENT REGULATIONS

Completed Actions

1a. Title: Licensing of Federally Owned Inventions

b. *Agency Contact:* Philip G. Read, Director, Office of Federal Procurement Regulations (VR), General Services Administration, Washington, DC 20405 ((202) 523–4755).

c. *Effects on Small Businesses and Other Entities:* Negligible.

d. *CFR Citation:* 41 CFR 101–4.1.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This amendment of the Federal Property Management Regulations (FPMR) implements Public Law 96–511, December 12, 1980. The statute provides an explicit legal basis for the issuance of a patent licensing regulation which is applicable to federally owned inventions. Issuance of the regulation by GSA is expressly required by the statute. It replaces FPMR Temporary Regulation A–20 (46 FR 39593, August 4, 1981). The regulation provides uniform, Government-wide procedures for the licensing of federally owned inventions.

g. *Timetable:* Final rule—August 6, 1982 (47 FR 34148).

h. *Priority Regulation:* No.

Current and Projected Rulemakings: None.

Reviews of Existing Regulations: None.

OFFICE OF ORGANIZATION AND PERSONNEL

Current and Projected Rule Makings

1a. Title: Nondiscrimination in Federally Assisted Programs

b. *Agency contact:* Thomas E. Henderson, EEO Specialist, Office of Civil Rights, General Services Administration, Washington, D.C. 20405; (202) 566–1368.

c. *Effects on Small Business and other entities:* None.

d. *CFR Citation:* 41 CFR Part 101–8.

e. *Legal Authority:* Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972, as amended; and Section 606 of the Federal Property and Administration Service Act of 1949, as amended.

f. *Abstract:* The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, handicap, sex, or age be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal Assistance from the General Services Administration. In addition, the objectives of the regulation are to streamline certain administrative procedural requirements by consolidating prohibitions of discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer.

This approach permits us to retain the substance of the prohibitions against discrimination, while reducing the cost of implementing and enforcing separate regulations for each of the four distinct laws for preventing discrimination.

g. *Timetable:* NPRM—September 1982. Expected issue date for final rule: December 1982.

h. *Priority Regulation:* No.

Reviews of Existing Regulations. None.

Completed Actions

1a. Title: Nondiscrimination in Federally Assisted Programs

b. *Agency contact:* Thomas E. Henderson, EEO Specialist, Office of Civil Rights, General Services Administration, Washington, D.C. 20405; (202) 566–1368.

c. *Effects on Small Business and other entities:* None.

d. *CFR Citation:* 41 CFR Part 101–8.

e. *Legal Authority:* Section 504 of the Rehabilitation Act of 1973, as amended.

f. *Abstract:* The GSA was in the process of developing a proposed consolidated regulation prohibiting discrimination on the basis of race, color, national origin, sex, age and handicap. However, on June 16, 1981, the United States District Court of the Central District of California issued an Order and supporting Findings of Fact and Conclusions of Law in the Case of *Paralyzed Veterans of America et al.* v. *William French Smith, et al.* The Order requires, in part, GSA to publish a final regulation implementing Section 504 of the Rehabilitation Act of 1973, as amended, on an expedited basis. The Order was complied with and a proposed consolidated regulation will be published soon that will include the 504 Regulation.

g. *Timetable:* 47 FR 25337, June 11, 1982 (Final rule).

h. *Priority Regulation:* No.

OFFICE OF OVERSIGHT

Reviews of Existing Regulations

1a. Title: Review of Federal Property Management Regulations

b. *Agency Contact:* Anthony Artigliere, Chief, Directives and Reports Management Branch, General Services Administration (ORAI), Washington, DC 20405 (202–535–7658).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* GSA proposes to undertake a comprehensive review of its Federal Property Management Regulations (FPMR), which cover Parts 101–1 through 101–49 of Title 41. FPMR generally provide policies and procedures for agencies to manage their real and personal property. Internal GSA reorganizations, shifts of policy emphasis, and the development of new technologies have caused us to question whether the FPMR, as presently written, are effective in meeting the needs of agencies and the public. We will solicit comments from agencies and the public concerning areas that we should review.

g. *Timetable:*

Issue ANPRM—November 1982.
Issue NPRM—February 1983.

h. *Priority Regulation:* No.

Current and Projected Rulemakings: None.

Completed Actions: None.

OFFICE OF PLANS, PROGRAMS, AND FINANCIAL MANAGEMENT

Current and Projected Rulemakings

1a. Title: Unused Transportation Refund Procedures

b. *Agency Contact:* John W. Sandfort, Chief, Regulations, Procedures, and Claims Branch (BWCP), General Services Administration, Washington, DC 20405 (202–275–0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation revises and improves the current procedures regarding refunds from carriers for exchanged tickets and the redemption of unused tickets. Compliance with these revised procedures by Government agencies and the carrier industry will expedite the recovery of outstanding refunds due the U.S. Government. No additional resources are required for GSA to accomplish the provisions of this directive. The rule changes do not impose any additional burdens on the Government or the public.

g. *Timetable:*

NPRM—February 2, 1982 (47 FR 4707).
Expected issue date of final rule: September 1982.

h. *Priority Regulation:* No.

2a. Title: U.S. Government Bill of Lading Correction Notice, SF 1200

b. *Agency Contact:* Louis Rosengarten, Regulations and Procedures Section (BWCPR), General Services Administration, Washington, DC 20405 (202–275–0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation amends Part 101–41 by introducing a new Standard Form 1200, that will be used to correct or amend U.S. Government Bill of Lading (GBL), SF 1103; transit GBL, SF 1131; and GBL-Privately Owned Personal Property, SF 1203. The new form establishes a uniform correction document to replace the individual agency-oriented correction forms currently used. With respect to the manner in which GSA will accomplish the provisions of this directive, there will be an outlay of funds for producing this form but the outlay will be offset by income from its sale. The proposed amendment will not impose any new burden on agencies and GSA when correcting or amending GBL's. It will eliminate unnecessary duplication of forms, simplify and standardize documentation procedures, and permit dollar savings to the Government by reducing the number of forms that must be stocked and processed by Federal agencies.

g. *Timetable:*

NPRM—April 27, 1982 (47 FR 18007).
Expected issue date for final rule: October 1982.

h. *Priority Regulation:* No.

3a. Title: Revision of U.S. Government Bill of Lading Standard Forms

b. *Agency Contact:* Louis Rosengarten, Regulations and Procedures Section (BWCPR), General Services Administration, Washington, DC 20405 (202–275–0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This amendment prescribes the use of revised SF 1103, U.S. Government Bill of Lading (GBL); SF 1109, U.S. GBL Continuation Sheet, and SF 1131, U.S. Government Transit Bill of Lading. These revisions will make these transportation documents more efficient and more responsive to data information systems. To accomplish the provisions of this directive, there will be an outlay of resources by GSA to print the forms but this expenditure will be offset by income derived from purchases of these forms by other Federal agencies. The amendment will have no impact on the public.

g. *Timetable:*

NPRM—April 24, 1982 (46 FR 42686).
Expected issue date for final rule: December 1982.

h. *Priority Regulation:* No.

4a. Title: Department of Defense Reservist/Retiree Military Emergency Travel Warrant

b. *Agency Contact:* Douglas MacEwen, Regulations and Procedures Section (BWCPR), General Services Administration, Washington, DC 20405 (202–275–0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation provides for the procurement of passenger transportation services and billing and payment for such services in connection with the DOD Reservist/Retiree Military Emergency Travel Warrant system. During periods of national emergency, the DOD will use travel warrants as an exception to U.S. Government Transportation Requests (GTR) to obtain transportation for selected military reservists and retirees who are ordered to active duty with the armed forces of the United States. The travel warrant will be included in a DOD Mobilization Order which will be sent to the member's home by Western Union Mailgram. Use of this system will simplify and expedite the procurement of transportation for the military member. No additional resources are required for GSA to accomplish the provisions of this directive. The rule changes do not impose any additional burdens on the Government or the public since the travel warrant will be used instead of the GTR.

g. *Timetable: Expected issue date for final rule: November 1982.*

h. *Priority Regulation:* No.

5a. Title: Use of Cash to Procure Passenger Transportation Services Costing More Than $100

b. *Agency Contact:* Betty Brown, Regulations and Procedures Section (BWCPR), General Services Administration, Washington, DC 20405 (202–275–0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation amends the Federal Property Management Regulations to grant agency heads or their designated representatives the authority to approve all cash purchases of passenger transportation services costing more than $100 instead of using Standard Form 1169, U.S. Government Transportation Request. This amendment will eliminate the requirement for agencies to obtain a written exemption from GSA and will reduce the administrative burden on Federal agency heads and GSA. No additional resources are required for GSA to accomplish the provisions of this directive. It will not impose any additional burdens on the Government or the public.

g. *Timetable:*

NPRM—March 30, 1982 (47 FR 13387).
Expected issue date for temporary regulation: November 1982.

h. *Priority Regulation:* No.

6a. Title: Facsimile Signature on SF 1113

b. *Agency Contact:* Louis Rosengarten, Regulations and Procedures Section

(BWCPR), General Services Administration, Washington, DC 20405 (202–275–0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* The proposed regulation would permit the use of a facsimile signature of the carrier's certifying official on the "Payee's Certificate" of the Public Voucher for Transportation Charges, SF 1113, without the requirement that such signatures be initialed by duly authorized persons. The intent of this proposal is to reduce the time and cost to the carriers and to facilitate carrier preparation of the SF 1113. No additional resources are required for GSA to accomplish the provisions of this directive. The proposed amendment will impose little or no additional burden on agencies and the GSA. Eliminating the need to initial the facsimile signature will benefit the public.

g. *Timetable:* Expected issue date for NPRM: September 1982.

h. *Priority Regulation:* No.

7a. Title: Commercial Forms and Procedures

b. *Agency Contact:* John W. Sandfort, Chief, Regulations, Procedures and Claims Branch (BWCP), General Services Administration, Washington, D.C. 20405 (202–275–0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation proposes to amend the CFR to increase the monetary limitation on the use of commercial forms and procedures for small shipments not to exceed $250 per shipment. Single-parcel shipments via express, courier, small package, or similar carrier will be permitted under these procedures without regard to shipping cost, if the parcel shipped weighs 70 pounds or less and does not exceed 108 inches in length and girth combined. The $250 limitation will apply to multi-parcel shipments via express, courier, small package, or similar carrier. Such use of commercial forms and procedures will reduce administrative costs and paperwork for Government agencies. No additional resources are required for GSA to accomplish the provisions of this directive. The proposed amendment will impose no additional burden on the Government or the public.

g. *Timetable:* Expected issue date for NPRM: October 1982.

h. *Priority Regulation:* No.

Reviews of Existing Regulations: None.

OFFICE OF PLANS, PROGRAMS, AND FINANCIAL MANAGEMENT

Completed Actions

1a. Title: Issuing Office Records: Eliminate Notification to Paying Office; Payment of Transportation Claims

b. *Agency Contact:* Louis Rosengarten, Regulations and Procedures Section (BWCPR), General Services Administration, Washington, DC 20405 (202–275–0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation amends Part 101–41 by eliminating the requirement that the issuing office notify the paying office when it records a certified substitute transportation document. The change will reduce paperwork burden and the staff hours needed to perform the required tasks at both the issuing and paying offices. This regulation also removes restrictions that preclude Government agencies from paying certain supplemental bills (claims). The change will simplify and reduce the workload at the Federal agencies' finance offices. No additional resources are required for GSA to accomplish the provisions of this directive. These changes will reduce the administrative burden on Government agencies and will have no impact on the public.

g. *Timetable:* Final rule—August 5, 1982 (47 FR 33959).

h. *Priority Regulation:* No.

OFFICE OF INFORMATION RESOURCES MANAGEMENT

Current and Projected Rulemakings

1a. Title: Contracting for Automatic Data Processing (ADP) and Related Equipment

b. *Agency Contact:* David R. Mullins, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 1–4.11

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This Federal Procurement Regulations (FPR) amendment changes the ADP acquisition process regarding the definition of Automatic Data Processing Equipment (ADPE); the responsibility of agency designated senior officials; agency submission of procurement requests, solicitations, and contracts; use of schedule contracts; and evaluation factors. The intent is to reduce paperwork, recognize central agency policy direction of information resources management, and make the acquisition process fairer.

g. *Timetable:* Proposal distributed for agency and public sector comments: July 29, 1982.

Expected issue date for final rule: November 1982.

h. *Priority Regulation:* No.

2a. Title: Implementation of Federal Information Processing Standards (FIPS) for Hardware and Joint Federal Information Processing and Federal Telecommunications Standards (FED–STDS)

b. *Agency Contact:* Phillip R. Patton, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–36.13.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This Federal Property Management Regulations (FPMR) amendments provides standard terminology for use in requirements documents, including solicitations, regarding the application of Federal Information Processing Standards Publications (FIPS PUBS) 32, 93, and Joint Federal Information Processing Standards Publication 71/Federal Standard 1003A (FIPS PUB/FED–STD). FIPS PUB 32 provides the description, scope, and identification for different character sets to be used in the application of Optical Character Recognition (OCR) SYSTEMS. FIPS PUB 93 specifies the recorded characteristics for 6.30 mm inch wide magnetic tape cartridges to provide for data interchange between information processing systems. FIPS PUB 71/FED–STD 1003A establishes data list control procedures for systems, equipment, and services using synchronous, bit-oriented data communication.

g. *Timetable:* A Proposal distributed; comments due October 1982.

Expected issue date for final rule: December 1982

h. *Priority Regulation:* No.

3a. Title: Telecommunications Acquisition

b. *Agency Contact:* Phillip R. Patton, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Business and Other Entities:* None.

d. *CFR Citation:* 41 CFR 1–4.13.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This Supplement No. 2 extends the expiration date of FPR Temporary Regulation 51, revises the definition of comparative cost analysis in § 1–4.1201–5, and redesignates the provisions as Subpart 1–4.13.

g. *Timetable:* Expected issue date for final rule:

h. *Priority Regulation:* No.

4a. Title: Implementation of Federal Information Processing Standard Languages and Procedures

b. *Agency Contact:* Phillip R. Patton, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–36.13.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This FPMR amendment regulation combines into a single section the three high-level programming languages that have been adopted as Federal Information Processing Standards. FIPS PUB 21–1 COBOL is currently in effect and implemented; FIPS PUB 68 Minimal BASIC and FIPS PUB 69 FORTRAN became effective on March 4, 1982. This regulation provides standard terminology for use in requirements documents, including solicitations, to ensure that compilers acquired by the Government and those used by Government contractors performing ADP services have been validated and comply with the applicable standard language elements. The intent is to increase portability of application programs and thereby increase economy and efficiency.

g. *Timetable:* Expected issue date for final rule: September 1982.

h. *Priority Regulation:* No.

5a. Title: Contracts With the Small Business Administration (SBA) for ADP Requirements

b. *Agency Contact:* William R. Loy, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entitites:* Section 8(a) contracts for furnishing ADP services could be limited to annual awards not exceeding 50 percent of the SBA size standards.

d. *CFR Citation:* 41 CFR 1–4.11.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This proposed FPR amendment changes sections 1–4.1103–5 and 1–4.1206–8 regarding contracts with the SBA for ADP requirements in accordance with Section 8(a) of the Small Business Act (15 U.S.C. 637(a)). This change responds to GAO report AFMD 82–9, October 16, 1981.

g. *Timetable:* Expected issue date for proposal or final rule: December 1982.

h. *Priority Regulation:* No.

6a. Title: Procurement and Contracting for Telecommunications

b. *Agency Contact:* John F. Stewart, Supervisory Communications Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, D.C. 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 1–4.13.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This FPR amendment adds telecommunications procurement and contracting policies and procedures to the FPR. The directive will replace FPR Temporary Regulation 51 and Federal Property Management Regulation (FPMR) Subpart 101–37.4.

g. *Timetable:* Expected issue date for proposal or final rule: April 1983.

h. *Priority Regulation:* No.

7a. Title: Consolidate ADP and Telecommunications Regulations into a Single Regulation

b. *Agency Contact:* Roger W. Walker, Chief, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, D.C. 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 48 CFR 1 and 39, 41 CFR 1, 39, and 101.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This project will merge FPR and FPMR (41 CFR 1 and 101) provisions relating to ADP and telecommunications into a single Information Resources Regulation. The new regulation will have a dual (but unduplicated) distribution; as a part of the proposed Federal Acquisition Regulation (FAR) and as a consolidated chapter in Title 41 of the CFR.

g. *Timetable:* Consistent with FAR publication schedules.

h. *Priority Regulation:* No.

8a. Title: Exemption of ADP Procurement Authority Based on the Defense Authorization Act of 1982

b. *Agency Contact:* Roger W. Walker, Chief, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, D.C. 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 1–4.11 and 1–4.12.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This directive will address Department of Defense exemptions to GSA Government-wide ADP regulations.

g. *Timetable:* Undetermined.

h. *Priority Regulation:* No.

9a. Title: Forms Management Responsibilities

b. *Agency Contact:* Betty van Gelderen, Computer Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, D.C. 20405. Program contact: John Simcox, GSA (KLSF), (202–535–7474).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–11.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This proposed FPMR amendment requires actions that will contribute to an effective forms management program. Effective forms management programs can substantially reduce costs, minimize public burden, improve procedures, and streamline necessary agency systems.

g. *Timetable:* Expected issue date of proposal for Agency comment: September 1982.

h. *Priority Regulation:* No.

10a. Title: Stationery Standards

b. *Agency Contact:* Betty van Gelderen, Computer Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, D.C. 20405. Program contact: Richard P. Stephenson, GSA (KLSM), (202–535–7462).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–11.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This FPMR amendment (1) provides size and paper specifications for the use of 8.5> by 11> paper; (2) delegates to heads of agencies the responsibility for authorizing the use of envelope markings and designs; (3) revises design standards for letterheads; (4) requires all agencies to use yellow tissue for record copies; and (5) promotes management policies and procedures to economically and

efficiently select, store, and use stationery.

g. *Timetable:* Expected issue date for final rule: October 1982.

h. *Priority Regulation:* No.

Reviews of Existing Regulations

1a. Title: ADP Resources Utilization and Reutilization of ADP Equipment

b. *Agency Contact:* Betty van Gelderen, Computer Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Business and Other Entities:* None.

d. *CFR Citation:* 41 CFR 1–4, 101.35, and 101.36.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This project will update and revise ADP sharing and reutilization management procedures. The intent is to reduce obsolescent ADP equipment in the Government inventory and reduce paperwork through interagency sharing and reutilization. FPR 1–4.11 would contain related contracting provisions.

g. *Timetable:* Proposal distributed for agency comments on March 22, 1982.

Expected issue date of final rule regarding reutilization of ADP equipment: December 1982.

h. *Priority Regulation:* No.

2a. Title: Update the Content and Procedures for the Government-wide ADP Management Information System (ADP/MIS)

b. *Agency Contact:* Betty van Gelderen, Computer Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Business and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–36.5.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This project will provide a revised ADP/MIS, suitable for individual agencies, for common use by central management.

g. *Timetable:* Concept paper distributed for agency comments on May 10, 1982.

h. *Priority Regulation:* No.

3a. Title: Representation Involving Telecommunications Services

b. *Agency Contact:* John F. Stewart, Supervisory Communications Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–37.4.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This project will review the content of 101–37.4. regarding the transfer of relevant information into a new FPR Subpart 1–4.13 if applicable and its updating of representation coverage.

g. *Timetable:* Expected issue date of final rule: April 1983.

h. *Priority Regulation:* No.

4a. Title: Record Management

b. *Agency Contact:* David R. Mullins, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *Citation:* 41 CFR 101–11.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This project will review FPMR Part 101–11 to determine the extent to which existing provisions should be integrated into the consolidated information resource management regulations. Initial efforts will be related to requirements analyses in the office automation area. Other areas will include management of current Federal records, standard and optional forms, interagency reports, and copying equipment management.

g. *Timetable:* Initial review March 1983.

h. *Priority Regulation:* No.

Completed Actions

1a. Title: Procurement and Contracting Government-Wide for ADP Services and ADP Support Services by Federal Agencies

b. *Agency Contact:* Phillip R. Patton, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 1–4.12.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This FPR Amendment 220 adds a new FPR Subpart 1–4.12 that sets forth policies and procedures governing procurement of ADP services and ADP support services by Federal agencies.

g. *Timetable:* Published in **Federal Register:** May 12, 1982 (47 FR 20532).

h. *Priority Regulation:* No.

2a. Title: ADP Resource Utilization and Reporting; Temporary Regulation.

b. *Agency Contact:* Betty van Gelderen, Computer Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–35 and 101–36.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This FPMR Temporary Regulation F–499 modifies ADP sharing policies and procedures applicable to Federal agencies.

g. *Timetable:* Published in **Federal Register:** August 5, 1982 (47 FR 33960)

h. *Priority Regulation:* No.

3a. Title: Implementation of Federal Information Processing Standards for Hardware

b. *Agency Contact:* Phillip R. Patton, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities: None.*

d. *CFR Citation:* 41 CFR 101–36.13.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This FPMR Amendment F–54 provides standard terminology to be used in requirements documents, including solicitations, to ensure that OCR printers, readers, and printed forms provided to or developed by the Government conform to FIPS PUB 89 and that certain digital magnetic tape cassette equipment conforms to FIPS PUB 91.

g. *Timetble:* Published in **Federal Register:** August 25, 1982 (47 FR 37173).

h. *Priority Regulation:* No.

FEDERAL PROPERTY RESOURCES SERVICE

Current and Projected Rulemakings

1a. Title: Donation of Personal Property

b. *Agency Contact:* George W. Kinney, Director, Donation Division, General Services Administration (DPD), Washington, DC 20405 (202–7015).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–44.000, 101–44.001, 101–44.005, 101–44.006, 101–44.008, 101–44.112, 101–44.118, 101–44.120, 101–44.200, 101–44.204, 101–44.205, 101–44.207, 101–44.208, 101–44.4701, 101–44.4901–123, 101–44.4901–123–1, 101–44.4902–3040.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This rule updates GSA's policies and procedures concerning the Federal surplus personal property donation program. It would: (1) prescribe new and revised definitions; (2) implement Title IX of the Education Amendments of 1972; (3) change procedures for donating aircraft, drugs, biologicals, and reagents; (4) clarify cannibalization procedures; (5) add additional terms to the State agency distribution document; (6) clarify that conditional title, not unrestricted title, passes to a donee at the time it takes possession of the property; (7) prohibit reimbursement to State agencies for certain sales expenses; (8) change reporting requirements; (9) establish an informal appeals procedure; and (10) revise eligibility criteria for educational activities. This amendment is necessary to comply with the provisions of Title IX of the Education Amendments of 1972, section 502(a) of Public Law 94–241, and the Congressional Reports Elimination Act of 1980 (Public Law 96–470). Its intent is to increase the efficiency and effectiveness of the donation program. There should be no significant costs to the public as a result of this regulatory action. It has been determined that potential benefits to society from this rule will outweigh the potential costs.

g. *Timetable: Expected issue date for final rule: November 1982.*

h. *Priority regulation:* No.

2a. Title: Donation of abandoned and forfeited personal property

b. *Agency Contact:* George W. Kinney, Director, Donation Division, General Services Administration (DPD), Washington, DC 20405 (202–535–7015).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–48.2.

e. *Legal Authority:* 26 U.S.C. 5688(a).

f. *Abstract:* This rule would emphasize that all forfeited distilled spirits, wine, or malt beverages donated to eleemosynary institutions are to be used only by their inpatients for medicinal purposes. Allegations of misuse of these donated spirits have created a need for this regulation. There should be no significant costs to the public as a result of this rule. It has been determined that potential benefits to society from this rule will outweigh potential costs.

g. *Timetable:* Expected issue date for final rule: November 1982.

h. *Priority regulation:* No.

3a. Title: Expiration of FPMR Temporary Regulation H–22

b. *Agency Contact:* George W. Kinney, Director, Donation Division, General Services Administration (DPD), Washington, DC 20405 (202–535–7015).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* FPMR Temporary Regulation H–22 expired December 15, 1980, with the termination of House Joint Resolution 610 and the passage of the Department of Defense Appropriations Act of 1981 (Public Law 96–527). H–22 will be deleted from the appendix following Subchapter H in 41 CFR Chapter 101. This rule involves no significant costs to the public.

g. *Timetable:* Expected issue date for final rule: November 1982.

h. *Priority regulation:* No.

4a. Title: Silver Recovery Program

b. *Agency Contact:* Frank Roche, Assistant Commissioner, Office of Personal Property, General Services Administration (DP), Washington, DC 20405 (202–535–7012).

c. *Effects on Small Businesses and other entities:* None.

d. *CFR Citation:* 41 CFR Part 101–42.

e. *Legal Authority:* Sec. 205(c), 62 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation revises FPMR Part 101–42 to require each agency having activities that generate silver or other precious metals (including used hypo-solution and scrap film) to recover it and submit a semiannual report to GSA. It further provides expanded civil agency participation in the Defense Precious Metals Recovery Program. These changes are made as a result of a General Accounting Office report PLRD–81–48 July 31, 1981, entitled "Civil Agencies Should Save Millions By Recovering Silver From Photographic Waste." The report recommends that precious metals recovery be a mandatory requirement for all civil agencies regardless of the amount generated.

The General Accounting Office cited the Veterans Administration (VA) as an example of the benefits accruing from an effective silver recovery program. In 1980, the VA's return on investment was $74 for every dollar spent on recovery. While we do not expect as great a rate of return as the VA achieved in 1980, we do expect that the benefits of making silver recovery mandatory on Federal agencies will outweigh the costs incurred.

g. *Timetable:*

NPRM—October 2, 1982.

Expected issue date for final rule: November 1982.

h. *Priority Regulation:* No.

5a. Title: Appearance Reconditioning of Civil Agency Vehicles, Prior to Sale

b. *Agency Contact:* Milton L. Herman, Chief, Sales Management Branch, General Services Administration (DPSM), Washington, DC 20405 (202–535–7000).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–46.4.

e. *Legal Authority:* 40 U.S.C. 484, Section 201(c).

f. *Abstract:* GSA obtains increased proceeds from the sale of selected vehicles from the Interagency Motor Pool by reconditioning their appearance prior to sale. This proposed amendment will require civil agencies to appearance-recondition selected vehicles prior to reporting them to GSA for sales action. Increased proceeds should accrue from the sale of those vehicles receiving this cosmetic reconditioning.

g. *Timetable:* Expected issue date for final rule: March 1983.

h. *Priority Regulation:* No.

6a. Title: Abandonment or Destruction of Surplus Property

b. *Agency Contact:* John Hansley, Property Marketing Specialist, General Services Administration (DPSM), Washington, DC 20405 (202–535–7000).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–45.5.

e. *Legal Authority:* Section 202(h), 40 U.S.C. 483.

f. *Abstract:* This revision clarifies procedures for agencies' use in the abandonment and destruction of property.

g. *Timetable:* Expected issue date for final rule: September 1983.

h. *Priority Regulation:* No.

7a. Title: Guidelines for Selling Small Lots of Surplus Personal Property

b. *Agency Contact:* Dona Gamble, Property Marketing Specialist, General Services Administration (DPSM), Washington, DC 20405 (202–535–7000).

c. *Effects on Small Business and Other Entities: None.*

d. CFR Citation: 41 CFR Part 101–45.304–3.

e. *Legal Authority:* 40 U.S.C. 484, Section 203(b).

f. *Abstract:* Section 101–45.304–3 prescribes selling procedures and will be expanded to cover more detailed instructions since Section 101–45.105–3 now permits holding agencies, after notification to the appropriate GSA regional office, to sell small lots of personal property where the estimated proceeds from a sale will not exceed $1,000. This dollar limitation raise has

resulted in holding agencies conducting more small lot sales. This proposed amendment provides holding agencies detailed instructions for conducting these sales.

g. *Timetable:* Expected issue date for final rule: December 1, 1982.

h. *Priority Regulation:* No.

8a. Title: Acquisition and Use of Excess Personal Property

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–43.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* A number of miscellaneous changes will be made to clarify procedures for the acquisition and use of excess personal property by Federal agencies and other authorized recipients.

g. *Timetable:* Expected issue date for final rule: December 1982.

h. *Priority Regulation:* No.

9a. Title: The Utilization, Donation, and Disposal of Foreign Gifts and Decorations

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–49.

e. *Legal Authority:* 5 U.S.C. 7342, Public Law 95–105.

f. *Abstract:* These miscellaneous changes will revise regulations to enhance security, establish physical custody, and refine the formal procedures for the disposition of foreign gifts and decorations.

g. *Timetable:* Expected issue date for final rule: November 1982.

h. *Priority Regulation:* No.

10a. Utilization, Donation, or Disposal of Abandoned and Forfeited Personal Property

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–48.

e. *Legal Basis:* Section 304(f–m), 49 Stat. 879; 40 U.S.C. 304.

f. *Abstract:* This temporary regulation will decentralize the transfer of seized and forfeited vehicles.

g. *Timetable:* Expected issue date on a temporary regulation: October 1982.

h. *Priority Regulation:* No.

11a. Title: Suspension of Direct Transfer Authority for Office Furniture and Equipment

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citations:* 41 CFR 101–43.315.

e. *Legal Authority:* Sec. 202(a), 63 Stat. 390; 40 U.S.C. 483(a).

f. *Abstract:* This proposed rule would rescind the authority of agencies to transfer excess office furniture and office machines without prior approval by GSA.

g. *Timetable:* Expected issue date for proposed rule: October 1982.

h. *Priority Regulation:* No.

12a. Title: Airport Disposal

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Services Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.308–2.

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation is being amended in order to clarify the proper statute under which federally owned real property may be disposed for airport purposes and to avoid confusion experienced in the past regarding such transfers.

g. *Timetable:* NPRM—December 23, 1981 (46 FR 62301). Expected issue date for final rule: October 1982.

h. *Priority Regulation:* No.

13a. Title: Conveyance for Historic Monument Purposes

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Services Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.308–3(a)(3) and 101–47.308–2(e).

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* These regulations are being amended to prevent the possibility of windfall profits to the grantee, sublessor, or developer when surplus real property is conveyed for historic monument purposes with revenue producing activities.

g. *Timetable:* Expected issue date for final rule: January 1983.

h. *Priority Regulation:* No.

14a. Title: Reimbursement for Excess Real Property Transfers

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Services Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.203–7(f).

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* In support of the Administration's initiative to maximize the monetary return from Federal real property, this regulation is being amended to require that Federal agencies be charged 100 percent of the estimated fair market value for excess property transferred to them.

g. *Timetable:* Expected issue date for final rule: November 1982.

h. *Priority Regulation:* No.

15a. Title: Disposal Authority Delegated to Holding Agencies

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Services Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.302–2

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation will avoid confusion that has been experienced in the past by clarifying that GSA and not the holding agency would have authority to dispose of federally owned machinery and equipment being used by a contractor-operator where the machinery and equipment will be sold to the contractor-operator.

g. *Timetable:*
NPRM—August 5, 1982 (47 FR 33993). Expected issue date for final rule:
December 1982.

h. *Priority Regulation:* No.

16a. Title: Identification of Unneeded Federal Real Property

b. *Agency Contact:* B. Michael O'Hara, Director, Technical Services and Surveys Division, General Services Administration (DRT), Washington, DC 20405 (202–535–7074).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.8.

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* These regulations will be updated to reflect the provisions of Executive Order 12348 of February 25, 1982, which superseded Executive Order 11954 of December 7, 1977, and Executive Order 11724 of June 25, 1973, currently referenced. Executive Order 12348 established the Property Review Board and reemphasizes the optimum use of Federal real property.

g. *Timetable:* Expected issue date for final rule: January 1983.

h. *Priorty Regulation:* No.

17a. Title: Section 414 Transfers

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Services Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.203–5(b), (c), and (d); 101–47.204–1(a) and (b); and 101–47.308–6.

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* These regulations concerning procedures for transfers of surplus real property for low and moderate income housing under the authority of section 414 of the Housing and Urban Development Act of 1969 are being revised to implement Public Laws 95–557 and 96–399. Public Law 95–557 expands the scope of eligible housing assistance programs under section 414 dispositions, provides exceptions to the "veto power" of local governing bodies over dispositions to non-public bodies, and reduces the period of use restrictions in the case of dispositions to non-public bodies from 40 to 30 years. Public Law 96–399 amends section 414 to permit transfers of surplus real property to the Secretary of Agriculture in addition to the Secretary of the Department of Housing and Urban Development.

g. *Timetable:* Expected issue date for final rule: September 1982.

h. *Priority Regulation:* No.

18a. Title: National Defense Stockpile Disposal Regulations

b. *Agency Contact:* Kent N. Knowles, Assistant Commissioner, Office of Stockkplie Transactions, General Services Administration (DS), Washington, DC 20405 (202–535–7115).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–14.4.

e. *Legal Authority:* Strategic and Critical Materials Stock Piling Act, 50 U.S.C., Sec. 98, et. seq.; E.O. 12155, 44 FR 53071, September 12, 1979.

f. *Abstract:* These regulations indicate the procedures for disposing of strategic and critical materials that are excess to National Defense Stockpile needs and have been authorized for disposal by Congress, pursuant to the Stock Piling Act of 1979 50 U.S.C., et. seq..

g. *Timetable:* Expected issue date for final rule: December 1982.

h. *Priority Regulation:* No.

19a. Title: Intergovernmental Review of GSA Programs

b. *Agency Contact:* Robert McKinnon, Director, Special Projects Staff, General Services Administration (DX), Washington, DC 20405 (202–535–7210).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101.

e. *Legal Authority:* EO 12372, July 14, 1982.

f. *Abstract:* This regulation will promote intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed GSA financial assistance and direct Federal development.

g. *Timetable:*

NPRM—January 15, 1983.
Expected issue date for final rule: April 30, 1983.

h. *Priority Regulation:* No.

Reviews of Existing Regulations

1a. Title: Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–43, 41 CFR 101–44, 41 CFR 101–45, 41 CFR 101–46, 41 CFR 101–48, 41 CFR 101–49.

e. *Legal Authority:* Sec. 505(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

g. *Timetable:* April 1983.

h. *Priority Regulation:* No.

2a. Title: Utilization and Disposal of Personal Property Pursuant to Exchange/Sale Authority

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–46.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* With the advent that GAO is revising Title 7—Fiscal Procedures of its "Policy and Procedures Manual for Guidance of Federal Agencies," existing regulations may have to be revised to conform with GAO's recommendations.

g. *Timetable:* Awaiting publication of GAO's draft regulations.

h. *Priority Regulation:* No.

3a. Title: Miscellaneous Changes To Reflect the Regional Consolidation for the Utilization and Disposal Programs

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–43, 41 CFR 101–44, 41 CFR 101–45, 41 CFR 101–46, 41 CFR 101–48, 41 CFR 101–49.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 483.

f. *Abstract:* Miscellaneous changes to reflect the regional consolidation.

g. *Timetable:* Draft to be revised pending merger into FSS; April 1983.

h. *Priority Regulation:* No.

4a. Title: Utilization of Nonappropriated Fund Property

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–43.

e. *Legal Authority:* Sec. 202(a), 63 Stat. 390; 40 U.S.C. 483(a).

f. *Abstract:* Defines nonappropriated fund property as nonreportable and introduces other miscellaneous changes.

g. *Timetable:* Expected date for completion of review—April 1983.

h. *Priority Regulation:* No.

5a. Title: Delegation of Mineral Rights Disposal Authority

b. *Agency Contact:* James Kearns, Environmental Staff Officer, Technical Services and Surveys Division, General Services Administration (DRT), Washington, DC 20405 (202–535–7081).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.603.

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* These regulation are being reviewed for a possible delegation of authority to the Department of the Interior (DOI) to dispose of (a) mineral rights associated with Federal real property and (b) mineral rights by the Government on formerly owned Federal real property. By utilizing DOI's expertise and experience in this area, the Government eliminates expensive and time-consuming instances of duplication of effort and financial resources.

g. *Timetable:* Expected date for completion of review—December 1982.

h. *Priority Regulation:* No.

6a. Title: The Department of the Interior Use of Standard Form 118 and Appropriate Schedules To Notify GSA of Reversions of Title

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Services Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.308–3 and 101–47.308–7.

e. *Legal Authority:* Section 205(c), 63 Stat. 340; 40 U.S.C. 486(c).

f. *Abstract:* The Federal Property Management Regulations currently provides only for Department of the Interior letter notification of pending reversions of title. Use of Standard Form 118 as the notification medium will result in a significant savings in GSA resources required to screen and dispose of the reverted property.

g. *Timetable:* Expected date for completion of review—February 1983.

h. *Priority Regulation:* No.

Completed Actions

1a. Title: Section 414 Transfers

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Service Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effect on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Parts 101–47.203–5(b), (c), and (d); 101–47.204–1(a) and (b); and 101–47.308–6.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* These regulations concerning procedures for transfers of surplus real property for low and moderate incoming housing under the authority of section 414 of the Housing and Urban Development Act of 1969 were revised to implement Public Laws 95–557 and 96–399. Public Law 95–557 expands the scope of eligible housing assistance programs under section 414 dispositions, provides exceptions to the "veto power" of local governing bodies over dispositions to non-public bodies, and reduces the period of use restrictions in the case of dispositions to non-public bodies from 40 to 30 years. Public Law 96–399 amends section 414 to permit transfers of surplus real property to the Secretary of Agriculture in addition to the Secretary of the Department of Housing and Urban Development.

g. *Timetable:* Final Rule—August 25, 1982 (47 FR 37175).

h. *Priority Regulation:* No.

2a. Title: Sale of Personal Property by Holding Agencies Where Estimated Proceeds of Sale Will Not Exceed $1,000

b. *Agency Contact:* Milton L. Herman, Chief, Sales Management Branch, General Services Administration (DPSM), Washington DC 20405)202–535–7000).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–45.1.

e. *Legal Authority:* 40 U.S.C. 484, Section 203(b).

f. *Abstract:* This regulation increases the dollar limitation where holding activities, after notification to the appropriate GSA regional office, may elect to sell small lots of personal property when estimated proceeds sale will not exceed $1,000.

g. *Timetable:* Final Rule—August 25, 1982 (47 FR 37175).

h. *Priority Regulation:* No.

FEDERAL SUPPLY SERVICE

Current and Projected Rulemakings

1a. Title: Management of Personal Property

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101, Subchapter E Appendix.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Significant savings can be achieved by reducing Federal expenditures for items of personal property. An effective means of reducing expenditures for personal property is through effective property management. This regulation is the initial step in establishing a Government-wide personal property management program. The regulation provides general policy on the management of personal property and requires executive agencies to provide GSA with an agency contact for communications concerning management of personal property. This regulation will enable agencies to reduce support costs through effective property management.

g. *Timetable:* Expected date for final rule: November 1982.

h. *Priority Regulation:* No.

2a. Title: Sources of Supply

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–26.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* From the inquiries received by GSA, it is apparent that the FPMR need to be clarified concerning the priorities that agencies are to follow in determining the source from which to obtain an item of supply or service. This regulation will ensure that agencies obtain needed items from the appropriate source. This will result in lower overall acquisition costs for the Government.

g. *Timetable:* Expected date for final rule: January 1983.

h. *Priority Regulation:* No.

3a. Title: Unit of Issue

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101, Subchapter E, Appendix.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* At present, there is no policy to guide civilian agencies on the assignment and maintenance of units of issue of supply items. This regulation corrects that deficiency by providing the appropriate policy and criteria. This regulation reflects policy recommendations that were developed by representatives from GSA and DOD. Promulgation will enable agencies to properly and economically assign and maintain units of issue.

g. *Timetable:* Expected date for final rule: March 1983.

h. *Priority Regulation:* No.

4a. Title: GSA Self-Service Stores

b. *Agency Contact:* Donald E. Boldt, Acting Director, Distribution Management Division, General Services Administration (FSM), Washington, DC 20406 (703–557–7580).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101, Subchapter E Appendix.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* To prevent abuses in the use of GSA self-service stores, it is necessary that restrictions be made on purchases from the stores. This regulation will provide the necessary restrictions and as a result will help to ensure that items purchased from self-service stores are for official use only.

g. *Timetable:* Excepted date for final rule: October 1982.

h. *Priority Regulation:* No.

5a. Title: Procurement and Requisitioning of Supplies and Services

b. *Agency Contact:* Walter Eckbreth, Director, Policy and Procedures Division, General Services Administration (FCP), Washington, DC 20406 (703–557–0536).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–29.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* The Acquisition and Distribution of Commercial Products (ADCoP) policy prescribed by the Office of Federal Procurement Policy are not presently covered in the FPMR and will help to ensure that agencies conform to the ADCoP policy.

g. *Timetable:* Expected issue date for final rule—January 1983.

h. *Priority Regulation:* No.

Reviews of Existing Regulations

1a. Title: Subpart 101–25.1—General Policies

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–25.1.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Subpart 101–25.1 provides general policies covering supply management by executive agencies. A review of this subpart is appropriate to determine which sections need to be updated. The sections dealing with tires are particularly in need of review because there have been changes in policy on the acquisition of tires that are not reflected in the sections.

g. *Timetable:* Expected date for completion of review: December 1982.

h. *Priority Regulation:* No.

2a. Title: Subpart 101–26.1—General

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–26.1.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Subpart 101–26.1—General, contains regulations of a general nature relating to sources from which agencies are to obtain items of supply or services. A review of this subpart is necessary to explore all possibilities for making changes that could reduce overall costs for the acquisition by Government agencies of the types of goods and services management by GSA.

g. *Timetable:* Expected date for completion of review: February 1983.

h. *Priority Regulation:* No.

3a. Title: Subpart 101–26.3—Procurement of GSA Stock Items

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–26.3.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Subpart 101–26.3 prescribes policy and procedures on obtaining items from or through the GSA stock program. A review of this subpart will determine if changes can be made that will improve the GSA stock program. Particular attention will be focused on GSA's substitution policy to ensure that substitution is made to the maximum extent practicable provided the substitute items are acceptable to the ordering activities. This will reduce the costs associated with backordering items that are out of stock.

g. *Timetable:* Expected date for completion of review: April 1983.

h. *Priority Regulation:* No.

4a. Title: Subpart 101–26.4—Purchase of Items From Federal Supply Schedule Contracts

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–26.4.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Subpart 101–26.4 provides policy and procedures relating to purchases of items through Federal Supply Schedule contracts. A review of this subpart will be made to determine how the use of Federal Supply Schedules can be increased by the requirements in the regulations with a resulting decrease in the dollar value of items purchased from noncontract sources. Changes made in the regulations pursuant to this study could result in savings to agencies by expanding the use of Federal Supply Schedules and thereby reduce acquisition costs.

g. *Timetable:* Expected date for completion of review: June 1983.

h. *Priority Regulation:* No.

5a. Title: Subpart 101–26.5—GSA Procurement Programs

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–26.5.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Subpart 101–26.5 prescribes policies and procedures relating to GSA procurement programs other than the GSA stock program, Federal Supply Schedule program, and procurement of automatic data processing equipment and related services. A review of this subpart will be made to determine how these regulations can be simplified so as to encourage the use of these programs. Expanded use of these programs could result in savings for the Government.

g. *Timetable:* Expected date for completion of review: August 1983.

h. *Priority Regulation:* No.

6a. Title: Subpart 101–27.5—Return of GSA Stock Items

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–27.5.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Subpart 101–27.5 provides policy and procedures for the return of stock items to GSA for credit. A review of this subpart will be made to determine if the current minimum line item dollar values required for items to be eligible for return to GSA for credit are sufficient to prevent the return of items when it is not economical.

g. *Timetable:* Expected date for completion of review: September 1983.

h. *Priority Regulation:* No.

Completed Actions

1a. Title: Adjustments

b. *Agency Contact:* James W. Jeremiah, Director, Requisition Management Division, General Services Administration (FSR), Washington, DC 20406 (703–557–8570).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101, Subchapter E Appendix

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation raised the minimum line item dollar values required for reporting shipping-type discrepancies and for the processing of billing adjustments. The regulation was necessary to eliminate the reporting of discrepancies and processing of billing adjustments when it is not economically feasible.

g. *Timetable:* This regulation was effective on May 13, 1982.

h. *Priority Regulation:* No.

NATIONAL ARCHIVES AND RECORDS SERVICE

Current and Projected Rulemakings

1a. Title: Procedures for Transfer of Records to a Federal Records Center

b. *Agency Contact:* Linda N. Brown, Acting Assistant Archivist for Federal Records Centers, General Services Administration (NC), Washington, DC 20408 (202–724–1592).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–11.410–2.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Currently, all records with a final disposition approved by the National Archives are accepted for storage at the Federal records centers (FRC's). FRC's have been required to contact agencies repeatedly concerning those records series whose disposal is contingent on an event which occurs at unspecified intervals. In addition, FRC's have accepted records having a retention period of as little as one year, and records eligible for disposal but required to be retained under the provisions of agency-imposed and court-ordered freezes. Because of budget reductions and space problems the accessioning policy requires some changes. This regulation requires authorization from the Office of Federal Records Centers prior to retiring records without an established date of disposition to FRC's, and eliminates the acceptance of records, otherwise eligible for disposal, that must be retained as a result of agency or court-ordered freezes.

g. *Timetable:* Expected issue date for final rule: December 1, 1982.

h. *Priority Regulation:* No.

2a. Title: Methylene Blue Testing

b. *Agency Contact:* Alan Calmes, Director, Preservation Services Division, General Services Administration (NTP), Washington, DC 20408 (202–523–3159).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–11.506–3.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Regulations concerning microforms of permanent records where the original will be disposed of require that microforms shall be processed so that the residual thiosulfate ion concentration will not exceed 0.7 microgram per square centimeter in a clear area. Agencies must meet this requirement by either performing the methylene blue test or using commercial testing services in accordance with specifications in ANSI PH4.8–1978. The reimbursable methylene blue testing service provided by GSA is no longer self-supporting because the salary costs alone are greater than the income derived from the testing service. Since the service is available from commercial sources, it is not cost-effective for GSA to maintain this service. This regulation deletes the requirement that agencies obtain methylene blue testing service from GSA when the agencies do not have their own facilities for testing.

g. *Timetable:* Expected issue date for final rule: November 30, 1982.

h. *Priority Regulation:* No.

3a. Title: Declassification and Public Access to National Security Information

b. *Agency Contact:* Adrienne C. Thomas, Director, Management Analysis Division, General Services Administration (NAA), Washington, DC 20408 (202–523–3214).

c. *Effects on Small Business and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–11.32.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This rule will revise the procedures for the declassification of and public access to national security information in the legal custody or under the declassification jurisdiction of the National Archives and Records Service (NARS). This revision is required by the signing of Executive Order 12356 of April 2, 1982 (National Security Information) and the issuance of the Information Security Oversight Directive Number 1 of June 22, 1982. This rule will affect the process for the mandatory declassification review of classified records by NARS.

g. *Timetable:* Expected issue date for NPRM: November 15, 1982.

Expected issue date for final rule: February 1, 1983.

h. *Priority Regulation:* No.

4a. Title: Federal Advisory Committee Management

b. *Agency Contact:* Adrienne C. Thomas, Director, Management Analysis Division, General Services Administration (NAA), Washington, DC 20408 (202–523–3214).

c. *Effects on Small Business and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–6.10 and 101–11.12.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Pub. L. 92–463, and 5 U.S.C. App.1.

f. *Abstract:* This regulation will revise and consolidate existing procedures for managing Federal executive branch advisory committees that are contained in 41 CFR 101–11.12 and Office of Management and Budget Circular A–63 and A–63 Transmittal Memoranda 1, 4, and 5. The regulation will meet the need for additional procedures and guidance to Federal agencies in the area of advisory committee management, enabling GSA and the agencies to carry out the requirements of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 1).

g. *Timetable:*

ANPRM: November 22, 1979 (44 FR 66852).

NPRM: August 21, 1980 (45 FR 55769).

Expected issued for second NPRM: March 30, 1983.

Expected issued for final rule: September 30, 1983.

h. *Priority Regulation:* No.

Reviews of Existing Regulations

1a. Title: Disposition of Federal Records

b. *Agency Contact:* Adrienne C. Thomas, Director, Management Analysis Division, General Services Administration (NAA), Washington, DC 20408 (202–523–3214).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–11.4.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* The National Archives and Records Service is undertaking a review of its records appraisal and disposition policies and procedures. As part of this review, existing regulations on records disposition (41 CFR 101–11.4) will be evaluated for possible changes.

g. *Timetable:*

Completion of review: June 1983.

Further rulemaking actions, such as NPRM, are dependent on the result of the review.

h. *Priority Regulation:* No.

Completed Actions

1a. Title: Agency Records Centers

b. *Agency Contact:* Linda N. Brown, Acting Assistant Archivist for Federal Records Centers, General Services Administration (NC), Washington, DC 20408 (202–724–1592).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–11.412.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* The rules on agency records centers were revised to update certain firesafety requirements, to change the time frame for submitting reports for agency records centers from 60 to 30 calendar days following each fiscal year, and to clarify coverage of the regulations.

g. *Timetable:* The final rule appeared on August 11, 1982 (47 FR 34787).

h. *Priority Regulation:* No.

PUBLIC BUILDINGS SERVICE

Current and Projected Rulemakings

1a. Title: Federal Space Management

b. *Agency Contact:* Paul H. Herndon III, Director, Space Management Division, General Services Administration (PRM), Washington, DC 20405 (202–566–1875).

c. *Effects on Small Businesses and Other Entities:* None

d. *CFR Citation:* 41 CFR Parts 101–17 and 101–18.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation suspends those portions of Part 101–17, Assignment and Utilization of Space, and 101–18, Acquisition of Real Property, of the Federal Property Management Regulations which require that priority consideration be given to locating Federal agencies in central business areas. The economic and operational impact of the regulations will be reassessed, and if warranted, changes will be proposed as appropriate.

g. *Timetable:* Expected issue date for final rule—September 15, 1982.

h. *Priority Regulation:* Yes. (Presidential Task Force on Regulatory Relief).

2a. Title: Uniform Federal Accessibility Standard

b. *Agency Contact:* John R. Weber, Architect, Design Programs Branch, General Services Administration (PCDP), Washington, DC 20405 (202–566–1673).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–19.

e. *Legal Authority:* Sec 2; 42 U.S.C. 4151 et. seq.

f. *Abstract:* This proposed rule will consolidate four differing handicapped accessibility standards prescribed by GSA, HUD, DOD, and USPS into a single, government-wide standard. In addition, this proposed rule will conform accessibility standards to the recently issued "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (29 U.S.C. 792).

g. *Timetable:*

NPRM—November 1982.

Expected issue date for final rule: March 1983.

h. *Priority Regulation:* Yes. (Presidential Task force on Regulatory Relief).

3a. Title: Accommodations for the Physically Handicapped

b. *Agency Contact:* Kathleen Fields, Architectural Technician, Design Programs Branch, General Services Administration (PCDP), Washington, DC 20405 (202–566–0038).

c. *Effects on Small Businesses and Other Entitles:* None.

d. *CFR Citation:* 41 CFR Part 101–19.

e. *Legal Authority:* Sec. 6(2); 42 U.S.C. 4151, et. seq.

f. *Abstract:* This proposed rule is intended to resolve confusion caused by the existing regulation. The GSA Form 2974, Status Report for Federally Funded or Leased Buildings—Accommodations of Physically Handicapped, has been modified to incorporate the reporting aspects fo GSA From 2974A, Accessibility to the Physically Handicapped in Leased Buildings. In addition, the frequency of reporting is reduced from semiannually to annually.

g. *Timetable:* Expected issue date for final rule— June 1983.

h. *Priority Regulation:* No.

4a. Title: Improved Use of Federal Space and Facilities

b. *Agency Contact:* Paul H. Herndon III, Director, Space Management Division General Services Administration (PRM), Washington, DC 20405 (202–566–1875).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–17.

e. *Legal Authority:* Sec. 205(c), 63 Stat 390; 40 U.S.C 486(c).

f. *Abstract:* This proposed rule will require agencies to establish programs to improve utilization of space. In addition, it reduces the office space allowance in section 101–17.34 by approximately 20 percent and requires mandatory submission of new Standard Form 81A (formerly GSA Form 1476, Space Requirements Worksheet) with each Standard Form 81, Request for Space. This regulation is intended to reduce the total space utilization rate, which will result in a significant annual cost avoidance.

g. *Timetable:* Expected issued date for final rule: October 1982.

h. *Priority Regulation:* No.

5a. Title: Vehicle Parking Facilities

b. *Agency Contact:* Paul H. Herndon III, Director, Space Management Division, General Services Administration (PRM), Washington, DC 20405 (202–56–1875).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–20.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation will codify the priorities contained in FPMR Temporary Regulation D–65 for the assignment of parking spaces at federally controlled facilities.

f. *Timetable:* Expected issue date for final rule—September 30, 1982.

g. *Priority Regulation:* No.

6a. Title: Management of Buildings and Grounds

b. *Agency contact:* James R. Boyd, Planning Specialist, Program Planning and Coordination Staff, General Services Administration (PSP), Washington, DC 20405 (202–566–0244).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–20.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* GSA proposes to amend its regulations regarding the standard level of protective services provided to building occupants to provide a more definitive description of these services in keeping with current program emphasis.

g. *Timetable:* NPRM—September 1982. Expected issue date for final rule: December 1982.

h. *Priority Regulation:* No.

7a. Title: Vending Stands Operated by Blind Persons

b. *Agency Contact:* George V. Lampman, Chief, Operational Services Branch, General Services Administration (PBRO), Washington, DC 20405 (202–566–0542).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Subpart 101–20.2.

e. *Legal Authority:* Public Law 93–516.

f. *Abstract:* Update the subpart to reflect the priorities and newly authorized provisions granted licensed blind vendors in GSA-controlled buildings by the Randolph-Sheppard Act Amendments of 1974 (Pub. L. 93–516).

Some specific provisions to be revised are the threshold criteria, site selection, notification procedure, sale of State lottery tickets, change of title from Department of Health, Education, and Welfare to read "Department of

Education," inclusion of agency policy regarding renovation of existing facilities, emphasis on assignment of vending machines to State licensing agencies (SLA), permits, operation of cafeterias by blind vendors, and reports.

The continued implementation of the Randolph-Sheppard Act in GSA-controlled buildings will not be of any significant increase in cost to the agency. The benefits, however, are significant. While the provision of essential services to Government employees are expanded and improved, the primary goal of the act, to provide remunerative employment for blind persons, is enhanced.

g. *Timetable:*

NPRM—FEBRUARY 28, 1983.

Expected issue date for final rule: June 30, 1983.

h. *Priority Regulation:* No.

Reviews of Existing Regulations

1a. Title: Conduct on Federal Property and Occasional Use of Public Areas in Public Buildings

b. *Agency Contact:* Tom Maxwell, Chief, Buildings Services Branch, General Services Administration (PBOB), Washington, DC 20405 (202–566–1563).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–20.

e. *Legal Authority:* Pub. L. 566 and Pub. L. 94–541.

f. *Abstract:* Subpart 101–20.3, Conduct on Federal Property, and 101–20.7, Occasional Use of Public Areas in Public Buildings, govern the actions and activities of the general public while on Federal property. We plan to review these regulations to determine if they continue to be effective and if they present unreasonable costs to the Government and the public.

g. *Timetable:* Expected date for completion of review—October 30, 1982.

h. *Priority Regulation:* No.

Completed Actions

1a. Title: GSA Interim Accessibility Standard

b. *Agency Contact:* Kathleen Fields, Architectural Technician, Design Programs Branch, General Services Administration (PCDP), Washington, DC 20405 (202–566–0038).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–19.

e. *Legal Authority:* Sec. 2; 42 U.S.C. 4151 et. seq.

f. *Abstract:* This temporary regulation extends the applicability of the GSA Interim Accessibility Standard until July 31, 1983, to permit time for development of the Uniform Federal Accessibility Standard.

g. *Timetable:* Published in **Federal Register** August 25, 1982 (47 FR 37173).

h. *Priority Regulation:* No.

TRANSPORTATION AND PUBLIC UTILITIES SERVICE

Current and Projected Rulemakings

1a. Title: Supplements to Federal Travel Regulations (FTR)

b. *Agency Contact:* Audrey Rish, Chief, Travel Regulations Branch, General Services Administration (TTPV), Washington, DC 20406 (202–275–0651).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–7.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Supplements 4, 5, and 6 to the FTR are projected for publication. These supplements contain changes to the relocation allowances and entitlements for Federal employees transferred from one official duty station to another in the interest of the Government and changes to the allowances for travel to and from common carrier terminals during temporary duty travel—Supplement 4. Changes to revise the priority order of transportation to be used for official travel, delete the provisions requiring the use of Amtrak, expand the provisions governing handling of refunds due the Government for unused passenger transportation services, incorporate new regulations prescribing alternate methods for reimbursement of subsistence expense for extended training, provide new criteria for authorizing actual expense reimbursement for travel involving unusual circumstances and increase the dollar amounts above which receipts are required to support cash reimbursement claims—Supplement 5.

Incorporates changes to increase or decrease high rate geographical areas (HRGA) and make changes to privately owned vehicle (automobile, motorcycle, and airplane) based on results of cost investigations—Supplement 6.

g. *Timetable:* Expected issue date for final rules: Supplement 4, October 1, 1982; Supplement 5, October 15, 1982; Supplement 6, November 1982.

h. *Priority Regulation:* No.

Review of Existing Regulations

1a. Title: Transportation and Traffic Management

b. *Agency Contact:* John B. Millington, Chief, Transportation Regulations Branch, General Services Administration (TTPR), Washington, DC 20406 (202–275–0651).

c. *Effects on Small Businesses or Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–40.

e. *Legal Authority:* Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* The revision to 41 CFR 101–40 will update policy and procedures that apply to the management of transportation matters affecting the Federal civilian executive agencies.

g. *Timetable:* Expected issue date for final rule: June 1983.

h. *Priority Regulation:* No.

Completed Actions:

None

[FR Doc. 82–27919 Filed 10–27–82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXIV

International Development Cooperation Agency

Agency for International Development

Agency Regulatory Agenda Semiannual Summary

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: Agency Regulations Agenda.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this Agenda as required by Section 5(a) of Executive Order 12291, Federal Regulation (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96–354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives A.I.D.'s plan for the issuance of proposed regulations during the next six months. The agenda concerns regulations which would have a significant economic impact on a substantial number of small entities and the existing regulations under Agency review pursuant to E.O. 12291 which may be revised, revoked or continued without change. It is expected that the information provided in this agenda will enable the public to be more aware of, and more effectively participate in A.I.D.'s rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda or the Review list, in general,

Contact: Mr. Joseph R. Ellis, Office of Management Planning, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235–2386.

Specific

For further information about any particular item on the Agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act (RFA)

The Agency did not have any rulemaking activity over the last six months that fell within the requirements of RFA and does not anticipate any during the next reporting period.

Executive Order 12291

Status

The following regulations were listed in the April 1982 Agenda as being under review pursuant to Section 5(a) of Executive Order 12291:

1. Title—Registration of Agencies for Voluntary Foreign AID

Agency Contact—Mr. I. Austin Heyman, Deputy Director, Office of Private and Voluntary Cooperation, Bureau for Food for Peace and Voluntary Assistance, Agency for International Development, Washington, D.C. 20523; Telephone (202) 235–1623.

Effect on Small Business and other entities—None.

CFR Citation—22 CFR Part 203.

Legal Authority—Sec. 621, 75 Stat. 424, as amended: 22 U.S.C. 2381.

Abstract—As the Agency noted in its April Agenda, April 27, 1982, in 47 FR 18363, public comments on the effect of the proposed rule of Section 309 of the International Security and Development Cooperation Act of 1981, Pub. L. 97–113 regarding registration of agencies for voluntary foreign aid were being circulated internally after which the Agency expected to issue a revised proposed regulation.

Timetable—The revised Regulation should be issued in October 1982.

2. Title—Non-Discrimination in Federally Assisted Programs of the Agency for International Development,—Effectuation of Title VI of the Civil Rights Act of 1964

Agency Contact—Nancy Frame, Office of the General Counsel, Agency for International Development, Washington, D.C. 20523; Telephone (202) 632–8218.

Effect on Small Businesses and other Entities—None.

CFR Citation—22 CFR Part 209.

Legal Authority—Sec. 602, 78 Stat. 252, and Sec. 621 of the Foreign Assistance Act of 1961, 75 Stat. 445; 22 U.S.C. 2402.

Abstract—AID is consulting with the Department of Justice regarding implementation under AID-financed programs.

3. Title—Public Information

Agency Contact—Mr. Rhea Johnson, Office of Public Affairs, Agency for International Development, Washington D.C. 20523, Telephone (202) 632–9614.

Effect on Small Businesses and other Entities—None.

CFR Citation—22 CFR Part 212.

Legal Authority—Pub. L. 89–487, 80 Stat. 250 as amended by Pub. L. 93–502, 88 Stat. 1561 (5 U.S.C. 552).

Abstract—The regulation is being reviewed within the Agency to determine whether a modification is necessary. Further action will be determined by congressional determination on the future requirements of the Act.

4. Title—Regulation for Implementation of Privacy Act of 1974

Agency Contact—Mr. Rhea Johnson, Office of Public Affairs, Agency for International Development, Washington, D.C. 20523 Telephone (202) 632–9614.

Effects on Small Businesses and Other Entities—None.

CFR Citation—22 CFR Part 215.

Legal Authority—Pub. L. 93–579; U.S.C. 552a; 88 Stat. 1896

Abstract—The regulation has been reviewed within the Agency and will be published for public comment.

Dated: September 16, 1982.

John F. Owens,

Deputy Assistant to the Administrator for Management.

[FR Doc. 82–27920 Filed 10–27–82; 8:45 am]

BILLING CODE 6116–01–M

federal register

Thursday
October 28, 1982

Part XXV

National Aeronautics and Space Administration

Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration.

ACTION: Regulatory Agenda.

SUMMARY: This regulatory agenda describes the proposed regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Director, Logistics Management and Information Programs Division, (Code NIM-12) Office of Management, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202-755-3140.

SUPPLEMENTARY INFORMATION: OMB Bulletin No. 82-16, "Unified Agenda of Federal Regulations," Executive Order 12291, "Federal Regulations," and NASA Management Instruction 1410.10D, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require that a regulatory agenda of proposed regulations under development and review be published in the **Federal Register** each October and each April.

James M. Beggs,
Administrator.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION REGULATORY AGENDA

Title	Agency contact	Effects on small entities; RFA	CFR Citation	Legal authority	Abstract	Timetable	Reg. analysis required
Current/Projected							
Space Transportation System (STS) Insurance Indemnification Requirements.	Robert J. Wojtal, Office of General Counsel, Code GK, NASA Headquarters, Washington, DC 20546, 202/755-3169.	No	14 CFR, Part 1214, Subpart 13.	Pub. L. 96-48	Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users.	Proposed rule published in Federal Register, Vol. 45, No. 219, Nov. 10, 1980. Comments were received from several individuals. Expect a final rule to be published in next 3 months.	No
Space Transportation System; Reimbursement for Spacelab Services.	Robert Haltermann, Office of Space Flight, Code M, NASA Headquarters, Washington, DC 20546, 202/755-2344.	No	14 CFR, Part 1214, Subpart 8.	42 U.S.C. 2473	Describes the policy for Spacelab services provided by NASA to user for the next 3 years.	Final rule to be published in 6 months.	No
Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance.	Richard N. Wolf, Office of General Counsel, Code GK, NASA Headquarters, Washington, DC 20546, 202/755-3160.	No	14 CFR, Part 1252, Subpart 1.	Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq.; (45 CFR Part 90).	Sets forth NASA's policies to implement the procedures under the Age Discrimination Act of 1975.	Final rule to be submitted for publication within 3 months.	No
Tracking and Data Relay Satellite Systems (TDRSS) Use and Reimbursement Policy for non-U.S. Government Users.	Robert O. Aller, Director, TDRSS, Program, Code TX, Office of Space Tracking and Data Systems, NASA Headquarters, Washington, DC 20546, 202/755-2341.	No	14 CFR, Part 1215	Sec. 203, Pub. L. 85-568, 72 Stat. 429, as amended (42 U.S.C. 2473).	This proposed rule establishes an equitable basis for use of and reimbursement for TDRSS and service by non-government users.	Proposed rule published in 47 FR 35228-35232, August 13, 1982. Comments requested by October 12, 1982.	No
Equal Access to Justice Act.	Sara Najjar, Office of General Counsel, Code GS, Washington, DC 20546, 202/755-3920.	No	14 CFR, Part 1262	Pub. L. 96-481 94 Stat. 2325, Oct. 21, 1980 (5 U.S.C. 504).	Implements the Act in Agency proceedings which are adversary adjudications, in accordance with model regulations of the Administrative Conference of the United States.	Interim Rule with request for comment published at 47 FR 3758, Jan. 27, 1982. Interim rule effective Oct. 1, 1981. To remain as interim rule pending further legislative/judicial developments.	No
Completed							
Coordination of NASA Facilities Planning Projects.	Margaret M. Herring, Office of Management, Code NIM, NASA Headquarters, Washington, DC 20546, 202/755-3140.	No	14 CFR, Part 1204, Subpart 15.	National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451 et seq.). Procedures for implementing the provisions of the NEPA; OMB Circular A-95; Coastal Zone Management Act of 1972; Floodplain and Wetlands Management; Title IV of Intergovernment Coop Act of 1968; and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.	Establishes policy and procedures for coordinating NASA facilities planning or projects with states areawide, and local planning authorities and clearinghouses. 14 CFR 1204.15 is amended by revising the Authority paragraph; it updates citations and includes the coordination requirements of 14 CFR 1216.3, 14 CFR 1204.11, and 14 CFR 1216.2.	Final rule published in 47 FR 15767, April 13, 1982.	No

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION REGULATORY AGENDA—Continued

Title	Agency contact	Effects on small entities; RFA	CFR Citation	Legal authority	Abstract	Timetable	Reg. analysis required
Debriefing of Unsuccessful Companies in Competitive Negotiated Procurements.	John E. Horvath, Office of Procurement, NASA Headquarters, Washington, DC 20546, 202/755-2280.	No	14 CFR, Part 1204, Subpart 12.	42 U.S.C. 2473(c)(1).....	Sets forth NASA policy and procedures for debriefing unsuccessful offerors in competitive negotiated procurements.	Final rule published in 47 FR 14893-14894, April 7, 1982.	No
Statement of NASA Organization and General Information.	Margaret M. Herring, Office of Management, Code NIM, NASA Headquarters, Washington, DC 20546, 202/755-3140.	No	14 CFR, Part 1201.....	5 U.S.C. 552, as amended.	This rule was revised to reflect the recent merger and reorganization.	Final rule published in 47 FR 20571-20573, May 13, 1982.	No
Small Business Policy.....	Eugene Rosen, Office of Small and Disadvantaged Business Utilization, NASA Headquarters, Washington, DC 20546, 202/755-2288.	No	14 CFR, Part 1204, Subpart 4.	Section 221, Pub. L. 95-507, as amended, 28 U.S.C. 2671-2680, 42 U.S.C. 2473.	NASA revised its Small Business Policy to add the establishment of the "Office of Small and Disadvantaged Business Utilization".	Final rule published in 47 FR 18124-18125, April 28, 1982.	No

[FR Doc. 82-27921 Filed 10-27-82; 8:45 am]

BILLING CODE 7510-01-M

federal register

Thursday
October 28, 1982

Part XXVI

National Foundation on the Arts and the Humanities

Semiannual Agenda of Regulations

Federal Register

Thursday
October 29, 1981

Part XXVI

National Foundation on the Arts and the Humanities

Semiannual Agenda of Regulations

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the Semiannual Agenda of Regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, and Executive Order 12291, "Federal Regulation," dated February 17, 1981 the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 806 15th Street, NW., Washington, D.C. 20506, 202–724–0367.

CURRENT AND PROJECTED RULEMAKINGS

(1) Title. Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From NEH.

(2) *Agency Contact.*

Name: Ms. Carol M. Gordon
Title: Director, Office of Equal Opportunity
Address: National Endowment for the Humanities, Office of Equal Opportunity 806 15th Street, NW., Washington, D.C. 20506 (202) 724–0331

(3) *Effects on Small Businesses and Other Entities.* This regulation is not a "major rule," nor would it have a significant economic impact on a substantial number of small entities.

(4) *CFR Citation.* 45 CFR Part 1172

(5) *Legal Authority.* Age Discrimination Act of 1975, Pub. L. 94–135, 42 U.S.C. 6101 *et seq.*

(6) *Abstract.* This regulation will prohibit discrimination on the basis of age in programs or activities receiving financial assistance from the National Endowment for the Humanities.

(7) *Timetable.* Notice of proposed rulemaking was published October 4, 1979.

(1) Title. Nondiscrimination on the Basis of Sex

(2) *Agency Contact.*

Name: Ms. Carol M. Gordon
Title: Director, Office of Equal Opportunity
Address: National Endowment for the Humanities Office of Equal Opportunity 806 15th Street, NW., Washington, D.C. 20506 (202) 724–0331

(3) *Effects on Small Businesses and Other Entities.* This regulation is not a "major rule," nor would it have a significant economic impact on a substantial number of small entities.

(4) *CFR Citation.* 45 CFR Part 1171

(5) *Legal Authority.* Title IX of the Education Amendments of 1972, Pub. L. 92–318, 20 U.S.C. 1681 *et seq.*

(6) *Abstract.* This regulation will prohibit discrimination on the basis of sex under any education program or activity receiving financial assistance from the National Endowment for the Humanities.

(7) *Timetable.* Notice of proposed rulemaking was published June 20, 1980. The final regulation is being drafted and will need approval by the Department of Justice and the Office of Management and Budget before it can be published.

REVIEW OF EXISTING REGULATIONS

(1) Title. Nondiscrimination on the Basis of Race, Color or National Origin Within NEH Funded Programs

(2) *Agency Contact.*

Name: Ms. Carol M. Gordon
Title: Director, Office of Equal Opportunity
Address: National Endowment for the Humanities, Office of Equal Opportunity, 806 15th Street, NW., Washington, D.C. 20506, (202) 724–0331

(3) *Effects on Small Businesses and Other Entities.* This regulation is not a "major rule," nor would have a significant economic impact on a substantial number of small entities.

(4) *CFR Citation.* Add 45 CFR Part 1175 in place of 45 CFR Part 1110

(5) *Legal Authority.* Title VI of the Civil Rights Act of 1964 Pub. L. 88–352, 42 U.S.C. 2000d *et seq;* Executive Order 12250 dated November 2, 1980; 28 CFR Part 42, Subpart F and §-50.3.

(6) *Abstract.* The regulation will be applicable only to National Endowment for the Humanities grantees. Modifications will be made in procedures and definitions.

(7) *Timetable.* The draft notice of proposed rulemaking is currently under review within the Endowment. It will be published after completion of that review and review by the Department of Justice, and the Office of Management and Budget.

(1) Title. Statement for the Guidance of the Public—Organization, Procedures and Availability of Information

(2) *Agency Contact.*

Name: Mr. Stephen J. McCleary
Title: Deputy General Counsel
Address: National Endowment for the Humanities, Office of the General Counsel, 806 15th Street, NW., Washington, D.C. 20506, (202) 724–0367

(3) *Effects on Small Businesses and Other Entities.* This regulation is not a "major rule," nor would have it a significant economic impact on a substantial number of small entities.

(4) *CFR Citation.* 45 CFR Part 1100

(5) *Legal Authority.* Freedom of Information Act, 5 U.S.C. 552(a)(4)(A)

(6) *Abstract.* The revised regulation will clarify the fees charged for document search and duplication.

(7) *Timetable.* The notice of proposed rulemaking is expected to be published before March 1983.

William J. Bennett,

Chairman.

[FR Doc. 82–27922 Filed 10–27–82; 8:45 am]

BILLING CODE 7536–01–M

federal register

Thursday
October 28, 1982

Part XXVII

National Science Foundation

Semiannual Regulations Agenda

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NATIONAL SCIENCE FOUNDATION

41 CFR Ch. 25

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of Semiannual Regulations Agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981). This agenda has been prepared in accordance with OMB Bulletin No. 82–16, Unified Agenda of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Gail McHenry, Division of Personnel and Management, National Science Foundation, Washington, D.C. 20550, (202) 357–9520.

A. CURRENT AND PROJECTED RULEMAKINGS

Title: Age Discrimination Regulations

Agency Contact: Perry W. Hooks, Office of Equal Opportunity, (202) 357–9819.

Effects on Small Business and Other Entities: This rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601 (6)).

CFR Citation: 45 CFR Proposed Part 605.

Legal Authority: Section 11 of the NSF Act; The Age Discrimination Act of 1975 (42 U.S.C. 6101 et. seq.).

Abstract: These regulations, which will prohibit discrimination on the basis of age in all Foundation-assisted programs, have been developed in coordination with the Department of Health and Human Services (HHS). HHS regulations were published on June 12, 1979, but NSF regulations have been delayed pending clearance by HHS.

Timetable: The regulations will be published, but the time is uncertain.

Title: Civil Rights—Title VI Regulations

Agency Contact: Perry W. Hooks, Office of Equal Opportunity, (202) 357–9819.

Effects on Small Business and Other Entities: This rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601 (6)).

CFR Citation: 45 CFR Part 611.

Legal Authority: Section 11 of the NSF Act and Title VI of the Civil Rights Act of 1964.

Abstract: These regulations prohibit discrimination on the basis of race, color, or national origin in all NSF-assisted programs. The Foundation is considering minor changes recently suggested by the Department of Justice. If such changes are adopted, they will be published in the **Federal Register.** However, no decision has yet been made with respect to the changes and consequently any publication date.

Timetable: Undetermined.

Title: Regulations Governing Consultation with State and Local Governments

Agency Contact: Ruth L. Greenstein, Associate General Counsel for Policy, (202)–357–9438.

Effects on Small Business and Other Entities: This rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

CFR Citation: 45 CFR Part 660.

Legal Authority: Intergovernmental Cooperation Act of 1968 (42 U.S.C 4231(a) and 3 U.S.C 301); Exec. Order No. 12372 (July 1982); and OMB Bulletin No. 82–15 (July 19, 1982).

Abstract: These regulations, required by OMB Bulletin 82–15, will provide NSF procedures for required consultation with state and local governments on federally assisted programs and projects.

Timetable: Regulations will be issued no later than April 30, 1983.

B. REVIEWS OF EXISTING REGULATIONS

None.

C. Completed Actions.

Title: Handicapped Regulations

Agency Contact: Perry W. Hooks, Office of Equal Opportunity, (202) 357–9819.

CFR Citation: 45 CFR Part 615.

Legal Authority: Section 11 of the NSF Act; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

Abstract: These final regulations, which prohibit discrimination on the basis of physical handicap in all Foundation-assisted programs, were published in the **Federal Register.** on March 1, 1982.

Title: Conflict of Interest Regulations

Agency Contact: Martin Lefcowitz Esq., Office of the General Counsel, (202) 357–9580.

CFR Citation: 45 CFR Part 600.

Legal Authority: Section 11 of the NSF Act; Executive Order 11225; 5 CFR Part 735.

Abstract: These regulations govern the conduct of NSF employees and officers and special Government employees. On July 26, 1982, these final regulations were published in the **Federal Register.**

Dated: September 24, 1982.

John B. Slaughter,

Director.

[FR Doc. 82–27923 Filed 10–27–82; 8:45 am]

BILLING CODE 7555–01–M

federal register

Thursday
October 28, 1982

Part XXVIII

Office of Management and Budget

OMB Circulars Included in the Semiannual Agenda of Upcoming Activities

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Circulars Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget is publishing its semiannual agenda of upcoming activities on OMB Circulars. This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB Circulars are issued under authority derived from several sources including: the Budget Accounting Act of 1921, the Budget Accounting and Procedures Act of 1950, Executive Order No. 11541, and other specific authority as cited. The agenda may include actions on OMB Circulars which are not regulations, but which are of public interest.

OMB Circulars are directives that communicate significant government-wide policy of a continuing nature. For purposes of this agenda, we have included Circulars which are designed to implement, interpret, or prescribe law or policy or describe the procedure or practice requirements of an agency. Excluded are directives that outline procedures to be followed in connection with the President's budget and legislative programs, directives that affect only the internal functions, management or personnel of Federal agencies, and directives on procurement.

OMB is currently conducting an internal review of all OMB Circulars presently in effect, as part of the Reform 88 initiative. That review is being conducted in addition to the specific actions listed in this agenda and will be completed by December of 1982.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, 726 Jackson Place, Washington, D.C. 20503. On the overall agenda, contact Candice C. Bryant at the above address.

Candice C. Bryant,

Acting Deputy Assistant to the Director for Administration.

I. Current and Projected Rulemakings—Priority

Title: Federal Participation in the Development and Use of Voluntary Standards (Circular No. A–119)

Agency Contact: David F. Baker, Phone (202) 395–7207, Executive Assistant for Plans and Controls Office of Federal Procurement Policy.

Effect on Small Entities: Yes.

CFR Citation: Not applicable.

Timetable: Draft issued April 13, 1982 (47 FR 16919) Final planned October 1982.

Abstract: This proposed revision to OMB Circular No. A–119 incorporates four major changes from the current Circular: (1) Elimination of the "due process" criteria and the requirement that voluntary standards bodies adhere to those criteria as a prerequisite to Federal participation; (2) Expansion of the scope of the Circular to encourage Federal use of voluntary standards for regulatory and other purposes—not just procurement usage; (3) Elimination of the provisions relating to establishment of a voluntary dispute resolution service; and (4) Elimination of requirements that called upon the Secretary of Commerce to maintain a list of certifying voluntary standards bodies and to issue implementing procedures for agency use.

I. Current and Projected Rulemakings—Other

Title: Controlling Paperwork Burdens on the Public (Circular No. A–40)

Agency Contact: Arnold M. Strasser, Phone (202) 395–6880, Assistant Chief, Reports Management Branch Office of Information and Regulatory Affairs.

Effect on Small Entities: Yes.

CFR Citation: 5 CFR Part 1320.

Legal Authority: 44 U.S.C. 3516 (Paperwork Reduction Act of 1980, Pub. L. 96–511).

Timetable: NPRM published September 8, 1982 (47 FR 39515) Final rule expected December 1982.

Abstract: This proposed rule establishes policies and procedures for controlling paperwork burdens imposed on the public by Federal agencies. Among significant issues dealt with in the rule are: coverage and OMB authorities; public protection from complying with Federal collection of information not approved by OMB; public access and participation; and agency procedures for obtaining OMB approval. The rule will supersede OMB Circular No. A–40, dated May 3, 1973.

Title: Policies for Acquiring Commercial and Industrial Products and Services for Government Use (Circular No. A–76)

Agency Contact: Mary L. Carlson, Phone (202) 395–6810, Procurement Analyst, Office of Federal Procurement Policy.

Effect on Small Entities: Yes.

CFR Citation: Not applicable.

Timetable: Request for suggested changes published February 12, 1982 (47 FR 6511) Draft to be published November 1982.

Abstract: This change is intended to simplify the policy and procedures of the Circular and the associated handbook.

Title: Guidelines for the Use of Consulting Services (Circular No. A–120)

Agency Contact: Jack A. Nadol, Phone (202) 395–6803, Deputy Associate Administrator for Procurement Policy Development, Office of Federal Procurement Policy.

Effect on Small Entities: Yes.

CFR Citation: Not applicable.

Timetable: Draft published for comment January 11, 1982 (47 FR 1196) Final planned by February 1983.

Abstract: The revision is intended to tighten controls to ensure that only those consulting services that are necessary, appropriate and justified are acquired. It will establish additional policy and guidelines to be followed by executive branch agencies in determining and controlling the appropriate acquisition, management and use of consulting services.

II. Reviews of Existing Regulations—Other

Title: Audit of Federal Programs (Circular No. A–73)

Agency Contact: John P. Sheehan, Phone (202) 395–3993, Senior Systems Accountant, Financial Management Division.

Effect on Small Entities: No.

CFR Citation: Not applicable.

Timetable: Review is underway, to be completed by November 1982

Abstract: The review will provide changes to the Circular that are needed to recognize the establishment of statuatory inspector generals, passage of the Federal Managers Financial Integrity Act, and to accomodate changes recently made in OMB Circular No. A–50.

Title: Uniform requirements for grants to universities, hospitals, and nonprofit organizations (Circular No. A-110)

Agency Contact: Palmer Marcantonio, Phone (202) 395-4773, Senior Systems Accountant, Financial Management Division.

Effect on Small Entities: No.

CFR Citation: Not applicable.

Timetable: Review is underway, to be completed in November 1983.

Abstract: The review will develop proposed changes to the Circular needed to call for "single audit" of universities by auditors they choose as an alternative to detailed Federal auditing.

Title: Cost principles for nonprofit organizations (Circular No. A-122)

Agency Contract: John J. Lordan, Phone (202) 395-6823, Deputy Associate Director for Financial Management.

Effect on Small Entities: Yes.

CFR Citation: Not applicable.

Timetable: Review is underway, to be completed by December 1982.

Abstract: The review is to see whether the provisions of the Circular dealing with joint costs are adequate to protect the Federal interest.

Title: Internal Control Systems (Circular No. A-123)

Agency Contact: David J. Gribble, Phone (202) 395-4773, Senior Systems Accountant, Financial Management Division.

Effect on Small Business: No.

CFR Citation: Not applicable.

Legal Authority: Federal Managers Financial Integrity Act (Pub. L. 97-255).

Timetable: Review is underway, to be conpleted by December 1982.

Abstract: The review will develop proposed changes to the Circular needed to implement the reporting requirements of the Federal Managers Financial Integrity Act.

III. Completed Actions—Priority

Title: Evaluation, review, and coordination of Federal and federally assisted programs and projects (Circular No. A-95)

Agency Contact: Bill Cramer, Phone (202) 395-6911, Senior Management Analyst, Intergovernmental Affairs Division.

Action: The Circular was rescinded on July 19, 1982. (47 FR 30959).

Title: Agency Preparation of Urban and Community Impact Analyses (Circular No. A-116)

Agency Contact: Bill Cramer, Phone (202) 395-6911, Senior Management Analyst, Intergovernmental Affairs Division.

Action: The Circular was rescinded on March 9, 1982.

Title: Cost Sharing on Federal Research (FMC 73-3)

Agency Contact: John J. Lordan, Phone (202) 395-6823, Deputy Associate Director for Financial Management.

Action: The Circular was rescinded on June 23, 1981.

Title: Administration of College and University Research Grants (FMC 73-7)

Agency Contact: John J. Lordan, Phone (202) 395-6823, Deputy Associate Director for Financial Management.

Action: The Circular was rescinded on June 23, 1981.

III. Completed Actions—Other

Title: Cost Principles for Educational Institutions (Circular No. A-21)

Agency Contact: John J. Lordan, Phone (202) 395-6823, Deputy Associate Director for Financial Management.

Action: On July 23, 1982, the Circular was revised to modify the procedures for allocating salary costs and the rules dealing with the allowability of interest costs. (47 FR 33658)

Title: Internal Control Systems (Circular No. A-123)

Agency Contact: David J. Gribble, Phone (202) 395-4773, Senior Systems Accountant, Financial Management Division.

Action: The Circular was issued on October 28, 1982, to establish standards for agency systems of internal control, and to call for vulnerability assessments and internal control reviews of agency activities.

Title: Patents—Small Business Firms and Nonprofit Organizations (Circular No. A-124)

Agency Contact: Fred H. Dietrich, Phone (202) 395-6810, Associate Administrator for Procurement Policy Development, Office of Federal Procurement Policy.

Action: The Circular was issued on February 10, 1982, pursuant to Pub. L. 97-177. (47 FR 7556).

Title: Prompt Payment (Circular No. A-125)

Agency Contact: John J. Lordan, Phone (202) 395-6823, Deputy Associate Director for Financial Management.

Action: The Circular was issued on August 19, 1982, pursuant to Pub. L. 97-177. (47 FR 37321).

[FR Doc. 82-27926 Filed 10-27-82; 8:45 am]

BILLING CODE 3110-01-M

federal register

Thursday
October 28, 1982

Part XXIX

Office of Personnel Management

Regulatory Agenda

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for review or development from November 1, 1982, through October 31, 1983. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. Chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: Michael R. Sanera, Assistant Director, Office of Planning and Evaluation, (202)254–3134.

Office of Personnel Management.

Donald J. Devine,

Director.

PART I.—LIST OF CURRENT AND PROJECTED REGULATIONS SCHEDULED FOR DEVELOPMENT NOV. 1, 1982 THROUGH OCT. 31, 1983

*P indicates a priority regulation. Priority regulations include those designated for priority development or review by the Director, OPM, regulations that are "major rules" under Section 1(b) of Executive Order 12291, and regulations designated for review by the Presidential Task Force on Regulatory Relief. **New Item.

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*P 1.5 CFR Part 831***.	Retirement	Omnibus Budget Reconciliation Act of 1982. Pub. L. 97–253.	Final regulations to implement changes in various parts of retirement regulations required by Reconciliation Act.	Interim regulations: 9/82. Final regulations: 4/83.	Mary Sugar, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415 (202) 632–4634.	No.
*P 2.5 CFR Part 900, Subpart F.	Intergovernmental Personnel Act Programs.	42 U.S.C. 4728, 4763; E.O. 11589, 3 CFR 557 (1971–1975 compilation).	Modification of the Merit Standards for Personnel Administration. To ease Personnel Administrative burden placed on State and local governments by the merit system standards for personnel administration.	Proposed regulations published 5/11/82 (47 FR 20142); final regulations 11/82.	Michael Sanera, Assistant Director of Planning and Evaluation, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415 (202) 254–3134.	No.
			Non-Priority (Other)			
1.5 CFR Part 213**.	Excepted Service	5 U.S.C. 3301, 3302; E.O. 12364, 47 FR 22931.	Technical amendment to the Schedule A appointing authority for the Presidential Management Intern Program to implement changes made by E.O. 12364 and to remove superfluous language from the basic appointing authority.	Final regulation published 7/2/82 (47 FR 28904); Target date for technical amendment 12/82.	William Bohling, Chief, Noncompetitive Staffing Branch, U.S. Office of Personnel Management, Staffing Group, 1900 E St., N.W., Room 6A12, Wash., D.C. 20415 (202) 632–6000.	No.
2.5 CFR Part 274	Corrective Actions	5 U.S.C. 1103	Proposed new regulation to establish procedures for OPM or agency initiated corrective actions, in cases of violations of Civil Service rules and regulations.	Target date for proposed regulation: 10/82.	Terry Evans, Personnel Management Specialist, U.S. Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., N.W., Wash., D.C. 20415 (202) 632–5691.	No.
3.5 CFR Part 294 and 5 CFR Part 293.	Availability of Official Information, and Personnel Records.	Pub. L. 89–554 (Freedom of Information Act of 1966).	Agencies are required to publish regulations describing how to obtain information from them. Recent case law, internal agency reorganizations, and the passage of the Civil Service Reform Act require a number of changes in the OPM regulations to bring them up-to-date. In addition, the regulations on obtaining information from Official Personnel Folders are being moved to Part 293, which covers the maintenance of these folders.	Target date for proposed regulations 9/82 and final regulations: 12/82.	William C. Duffy, Chief, Information Systems Plans and Policies Branch, Room 6410, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415 (202) 632–7714.	No.
4.5 CFR Part 294**	Availability of Official Information.	Pub. L. 89–554 (Freedom of Information Act of 1966).	Agencies are required to publish fee schedules of charges for information under the Freedom of Information Act. We plan to review our fee schedule and update it to more accurately reflect the current costs of providing the information.	Target dates for proposed regulations: 3/83 and final regulations: 6/83.	....do	No.
5.5 CFR 315 and 5 CFR 316**.	Career and Career-conditional Employment; Temporary and Term Employment.	E.O. 12362	Permit non-competitive appointment of certain former overseas employees to competitive civil service positions in the United States.	Interim regulations published 7/2/82 (47 FR 128) Target date for final: 2/83.	Ed McHugh, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Analysis and Development, Staffing Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632–6817.	No.
6.5 CFR Part 315 Subpart I.	Probationary Period for Managers and Supervisors.	5 U.S.C. 3321	Clarify the return rights of employees who are downgraded to supervisory positions and fail to satisfactorily complete the probationary period.	Target date for proposed regulations: 6/83.	Ellen Russell, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Development, Staffing Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632–6817.	No.

PART I.—LIST OF CURRENT AND PROJECTED REGULATIONS SCHEDULED FOR DEVELOPMENT NOV. 1, 1982 THROUGH OCT. 31, 1983—Continued

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7.5 CFR Part 315**	Career and Career-Conditional Employment.	Pub. L. 96-70	Regulations to establish an authority under which persons having at least 1 year of service under the Panama Canal Employment System may be given noncompetitively Career-Conditional or Career appointments in the competitive Civil Service.	Proposed regulations published 9/24/82; Target date for final 2/83.	William Bohling, Chief, Noncompetitive Staffing Branch, U.S. Office of Personnel Management, Staffing Group, 1900 E St., NW., Room 6A12, Wash., D.C 20415 (202) 632-6000.	No.
8.5 CFR Part 317**	Appointment, Reassignment, Transfer, and Reinstatement in the Senior Executive Service.	5 U.S.C. 3392, 3393, 3394, and 3397.	Proposed regulations to govern appointment actions in the SES, including establishment of qualification standards, agency recruitment and selection procedures for career appointments, operations of OPM Qualifications Review Boards, and completion of the one-year probationary period for career appointees. Regulations are intended to set forth basic staffing requirements to assure compliance with merit system provisions.	Target date for proposed regulations: 2/83.	Dennis Leber, Personnel Management Specialist, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-5446.	No.
9.5 CFR Part 317	Appointment, Reassignment, Transfer, and Reinstatement in the Senior Executive Service.	5 U.S.C. 3392 and 3397.	Addition of a new subpart to implement 5 U.S.C. 3392(c) regarding the right of SES career appointees to retain certain SES provisions while serving under a Presidential appointment made by and with the advice and consent of the Senate. Regulations are needed to insure uniformity in the implementation of the law.	Target date for proposed regulations: 12/82.	Loretta Terando, Personnel Management Specialist, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C., 20415 (202) 632-4695.	No.
10.5 CFR Part 317 Subpart G.	Appointment, Reassignment, and Reinstatement in the Senior Executive Service (SES Career Appointment by Reinstatement).	5 U.S.C. 3593 and 3595.	Final regulations on reinstatement to an SES career appointment following (a) voluntary separation from SES, or (b) separation from a Presidential appointment of a former SES career appointee. These reinstatements are authorized by law. The regulations set the procedures for implementing the law.	Interim regulations published 12/5/80 (45 FR 80468); target date for final: 12/82.	Hugh Strehle, Chief, Executive Personnel Programs, U.S. Officer of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-4625.	No.
11.5 CFR Part 332 Subpart C**	Recruitment and Selection Through Competitive Examination.	5 U.S.C. 1302	Revise regulations to permit OPM to establish other circumstances under which a person's eligibility on a competitive register may be terminated. The change will allow OPM greater flexibility in removing inactive applications from its registers.	Proposed regulations: 12/82.	E. J. Komorous, Personnel Staffing Specialist, U.S. Office of Personnel Management, Staffing Group, 1900 E St., NW. 20415 (202) 632-6251.	No.
12.5 CFR Part 334**	Temporary Assignment of Employees Between Federal Agencies and State, Local, and Indian Tribal Governments, Institutions of Higher Education, and Other Eligible organizations.	5 U.S.C. 3376; E.O. 11589; 3 CFR 557 (1971-1975).	Addition of new section to provide for departmental-level approval of assignment agreements. The new section is expected to result in better cost control and more effective management of the program.	Target date for proposed regulations 11/82. Target date for final: 3/83.	Ardrey Harris, Chief, Faculty Fellows and Personnel Mobility Programs, U.S. Office of Personnel Management, Personnel Mobility Program, 1900 E St., NW. Room 7H31, Wash., D.C. 20415 (202) 632-5558.	No.
13. 5 CFR Part 339	Medical Qualification Requirements.	5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR.	Proposed regulation governing medical examinations of Federal employees, medical documentation, and agency filed disability retirement applications. The regulations would correct problems which have resulted from misuse of mandatory medical examinations, as well as dealing with problems arising from lack of regulation on medical documentation.	Target date for proposed regulation: 10/82.	Cynthia Field, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation, 1900 E St., NW. Wash., D.C. 20415 (202) 254-5517.	No.
14. 5 CFR Part 340	Other than Fulltime Career Employment.	5 U.S.C. 3301, 3302	Addition of new subpart on seasonal, on-call and intermittent employment.	Proposed regulations published 6/8/82 (47 FR 110); target date for final: 1/83.	Ellen Russell, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy and Analysis and Development, Staffing Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-6817.	No.

PART I.—LIST OF CURRENT AND PROJECTED REGULATIONS SCHEDULED FOR DEVELOPMENT NOV. 1, 1982 THROUGH OCT. 31, 1983—Continued

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15. 5 CFR Part 351	Reduction In Force: Identification of Employees for Transfer of Function..	5 U.S.C. 1302, 3503	Changes to clarify existing OPM policy pertaining to a transfer of function. The changes are intended to provide a method for identifying employees in transferring functions when there will be no continuing operations, or demotions/separations may be necessary in the area losing the function.	Proposed regulations: 12/82.	Leota Shelkey, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Analysis and Development, Staffing Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-6817.	No.
16. 5 CFR Part 351	Reduction in Force	5 U.S.C. 3501, 3502	Proposed regulations to clarify how veteran perference is used as a reduction-in-force retention factor. The regulations would assist agencies in properly determining employee retention standing.	Target date for proposed regulations: 10/82.	Thomas A. Glennon, Personnel Staffing Specialist, U.S. Office of Personnel Management, Staffing Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-6817.	No.
17. 5 CFR Part 352	Reemployment Rights for SES Personnel.		This regulation would extend reemployment rights under this Part to SES personnel. The regulation is needed to correct an oversight which has resulted in the exclusion of SESers from coverage as originally intended.		Jonh Schultz, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Analysis and Development, Staffing Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-6817.	
18. 5 CFR Part 352	Reemployment Rights After Service with Panama Canal Commission.	Pub. L. 96-70, Section 1203(c).	Addition of new subpart on reemployment rights for Federal employees who accept assignment with Panama Canal Commission. The regulations are to implement section 1203 of Pub. L. 96-70 and will cover conditions under which employees are assigned to the Commission and returned to their former agency.	Proposed regulations published 1/8/82 (47 FR 956); target date for final: 12/82.	Leota Shelkey, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Analysis and Development, Staffing Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-6817.	No.
19. 5 CFR Part 352	Reemployment Rights	2 U.S.C. 67a, E.O. 11788.	Add new subpart covering reemployment following service with the U.S. Senate Committee on Appropriations under provision of 2 U.S.C. 67a, delete Subpart F covering reemployment after service in the Economic Stabilization Program because applicable law has been repealed.	Target date for proposed regulations: 10/82.	William Bohling, Chief, Noncompetitive Staffing Branch, U.S. Office of Personnel Management, Staffing Group, 1900 E St., NW. Room 6A12, Wash., D.C. 20415 (202) 632-6000.	No.
20. 5 CFR Part 359	Removal, Reinstatement and Guaranteed Placement in the Senior Executive Service.	5 U.S.C. 1302, 3596	Final regulations on (1) the removal of SES career appointees during probation or for less than fully successful executive performance, (2) the removal of other than career appointees, (3) placement rights in other personnel systems of certain SES career appointees. These actions are authorized by law. The regulations establish procedures for implementing the law.	Interim regulations published 7/31/79 (44 FR 44815); target date for final: 12/82.	Ann Ugelow, Executive Personnel Representative, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-3782.	No.
21. 5 CFR Part 359 Subpart H.	Removal, Reinstatement, and Guaranteed Placement in the Senior Executive Service (Furloughs in the Senior Executive Service).	5 U.S.C. 3133 and 3136.	Final regulations on furloughs of career members of the Senior Executive Service. The regulations prescribe procedures to ensure that furlough actions are taken fairly and provide an appeal right to the Merit Systems Protection Board. They are needed because title 5 does not specify furlough procedures.	Interim regulations published 1/15/82 (47 FR 2283); target date for final: 12/82.	Neal Harwood, Personnel Management Specialist, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-7676.	No.
22. 5 CFR Part 359**	Removal, Reinstatement and Guaranteed Placement in the Senior Executive Service.	5 U.S.C. 3595 and 3596.	Proposed regulations to add a new subpart to implement Pub. L. 97-35, August 13, 1981, which added provisions to title 5 to govern SES reduction-in-force actions affecting career executives. Regulations are needed to cover certain areas not in the law, such as notification to employees and retention of records, and to implement the provisions in the law dealing with OPM's responsibility to help place career executives identified for reduction-in-force.	Target date for proposed regulations: 2/83.	Hugh Strehle, Chief, Executive Personnel Programs, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-4625.	No.

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23. 5 CFR Part 410	Training	5 U.S.C. 4108	Final regulations to clarify procedures governing continued service agreements for employees who receive training in nongovernment facilities. Provides due process procedures when an agency recovers expenses from employee who fails to continue in service after training to protect agency heads from personal liability suits. Simplifies administration of continued service agreements making them less costly.	Proposed rules published 3/13/82 (49 FR 10855); target date for final: 11/82.	Constance Guitian, Employee Development Specialist, U.S. Office of Personnel Management, Training Policy Division, Room 200 T.C., P.O. Box 7230, Wash., D.C., 20044 (202) 653-6171.	No.
24. 5 CFR Part 412**	Executive and Management Development.	5 U.S.C. 3396(a); 3393(a).	Final regulation regarding exemption of agencies with 150 or fewer SES positions from the requirement to recruit at least governmentwide for their SES candidate development programs. Proposed rule removed exemption on basis that this would cause no undue burden to smaller agencies. OPM currently reconsidering proposal based on negative comments received from affected agencies.	Proposed rule change published 4/16/82 (47 FR 16341); target date for final: 10/82.	Loretta R. Flanders, Chief, Policy and Programs Development Branch, U.S. Office of Personnel Management, Office of Executive and Management Development, 1900 E St., NW., Wash., D.C. 20415 (202) 254-9800.	No.
25. 5 CFR Part 430**	Performance Appraisal	5 U.S.C. 4312-4315	Proposed regulations to add a new subpart to cover performance appraisals in the Senior Executive Service. Regulations are needed to assure agency compliance with law, to clarify certain provisions of law, and to carry out OPM's responsibility under the law to regulate specific agency activities, such as the establishment of Performance Review Boards.	Target date for proposed regulation: 2/83.	Hugh Strehle, Chief, Executive Personnel Programs, U.S. Office of Personnel Management, Office of Executive Personnel Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-4625.	No.
26.5 CFR Part 432	Reduction in Grade and Removal Based on Unacceptable Performance.	5 U.S.C. 4305	Proposed regulation clarifying agency's obligations when employee raises issue of health. The regulation would define agency and employee obligations to avoid costly reversals of actions based on unacceptable performance.	Target date for proposed regulation: 10/82.	Cynthia Field, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation 1900 E St., NW. Wash., D.C. 20415 (202) 254-5517.	No.
27.5 CFR Part 432 Subpart B**.	Reduction in Grade and Removal Based on Unacceptable Performance.	5 U.S.C 4305	Revise regulations to permit agency to afford an employee the "opportunity to demonstrate acceptable performance" during the notice period of a Part 432 action, instead of requiring opportunity period to precede notice period. This will permit agencies to take warranted actions in a timely manner while preserving the right of the employee to a reasonable opportunity period.	Target date for proposed regulation: 7/83.	Harold Ashner, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation, 1900 E St., NW. Wash., D.C. 20415 (202) 254-5517.	No.
28. 5 CFR Part 451	Incentive Awards	5 U.S.C. 4506	Regulation to clarify that members of the Senior Executive Service (SES) are ineligible for lump sum cash awards for sustained superior job performance under 5 U.S.C., Chapter 45, since they are duplicative of performance bonuses for career SES members authorized under 5 U.S.C. 5384. The regulatory change will address concerns about possible misues of incentive awards to circumvent Congressional and OPM restrictions on performance bonuses to SES members.	Proposed regulation published 7/28/81 (46 FR 38521) Target date for proposed regulation 11/82.	Richard B Grengel, Chief, Agency Services Division, U.S. Office of Personnel Management, WED, Agency Service Division, 1900 E St., NW. Wash., D.C. 20415 (202) 632-4596.	No.
29. 5 CFR Part 470	Personnel Management Research Programs and Demonstration Projects.	5 U.S.C. 4706	Addition of new part to implement programs for conducting research and demonstration projects. The purposes of these programs are to stimulate and conduct personnel management research and to test new and different concepts under controlled conditions.	Proposed regulation published 9/18/81 (46 FR 46330); target date for final: 10/82.	Donald Hill, Program Analyst, U.S. Office of Personnel Management, Special Policies Division, Office of Planning and Evaluation, 1900 E St., NW. Wash., D.C. 20415 (202) 254-6486.	No.

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30. 5 CFR Part 511: 511.605, 511.611, 511.701, 511.702, and 511.703.	Classification Under the General Schedule.	5 U.S.C. 5115	OPM published final rules on classification appeals under the General Schedule on 1/30/81. At that time it was decided that for employees in retained grade there would be no need for retroactive adjustments since their title, series, and grade would not be affected during the retained grade period. However several agencies have raised questions concerning the consequence of a classification action when the employee is eligible for retained grade and suffers a subsequent RIF. Under current regulations the correct title, series, and grade would be used for RIF purposes rather than the retained title, series, and grade.	Target date for proposed regulation: 10/82 Final regulation: 12/82.	Gust Pappas, Chief, Classification Appeals Office, U.S. Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., NW. Wash., D.C. 20415 (202) 632-7744.	No.
31. 5 CFR Part 531, Subpart B.	Pay Under the General Schedule.	5 U.S.C. 5305(q), 5334(a), 5338, and E.O. 11721.	Proposed regulations to revise rules for determining an employee's rate of basic pay upon reemployment, transfer, reassignment, promotion, change in type of appointment, and the annual General Schedule pay adjustment. Proposed regulations also may include certain corresponding revisions in 5 CFR Part 210, 351, 532, 536, and 752.	Proposed regulations to be published 12/82.	Donald J. Winstead, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E St., NW. Wash., D.C. 20415 (202) 632-4634.	No.
32. 5 CFR Part 534	Pay Under Other Systems.	5 U.S.C. 5383 and 5385.	Proposed regulations to define an "annual pay adjustment" in the Senior Executive Service. Regulations are needed to clarify the intent and application of 5 U.S.C. 5383(c) on changes in SES pay rates.	Target date for proposed regulations 12/82.	Tom Meyer, Defense and International Division Chief, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-4695.	No.
33. 5 CFR Part 536, Subpart B.	Grade and Pay Retention.	5 U.S.C. 5361-5366	Revision of existing regulations to deal with unresolved issue of grade retention in movement between agencies and other minor revisions. Changes are expected to effect cost savings associated with tightening of requirements.	Proposed regulations: 12/82.	Jan Karicher, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E. St., NW., Wash., D.C. 20415 (202) 632-4634.	No.
34. 5 CFR Parts 550 and 551.	Pay Administration (General) and Pay Administration Under the FLSA.	5 U.S.C. 5548(a) and 29 U.S.C. 204(f).	Final regulations to allow agencies to "round up" and "round down" to the nearest quarter of an hour for crediting irregular, unscheduled overtime work.	Proposed regulations published 7/2/82 (47 FR 28962); target date for final: 12/82.	Mary Angel, Pay and Benefits Specialist, Dwight Brown, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E. St., NW., Wash., D.C. 20415 (202) 632-4684 (202) 632-4634.	No.
35. 5 CFR Part 550	Pay Administration (General).	5 U.S.C. 5514(b) Sec. 8(1) E.O. 11609, 3 CFR, 1971-1975 Comp. 586; E.O. 12107, 3 CFR, 1978 Comp. 264; 4 CFR, sec. 101.1 et seq.	Final regulations on installment collection of indebtedness because of erroneous payment of pay. Regulations would establish guidelines for agency collections from pay; establish procedure for OPM review of agency procedures.	Proposed regulations published 11/06/81 (46 FR 55119); target date for final: 3/83.	Patricia A. Rochester, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E. St., NW., Wash., D.C. 20415 (202) 632-4634.	No.
36. 5 CFR Part 550 Subpart G**.	Severance Pay	5 U.S.C. 5595	Proposed revision of regulations as they apply to separated employees who decline offers of pay or grade retention, who accept positions with contractors, and who receive compensation for on-the-job injuries.	Proposed regulations: 3/83.	Jan Karicher, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E St., NW., Room 4351 Wash., D.C. 20415 (202) 632-4684.	No.
37. 5 CFR Part 550 Subpart J.	Pay Administration, Adjustment of Work Schedules for Religious Observances.	5 U.S.C. 5550a	Proposed regulations will provide methods for an agency to control the adjustment of work schedules for this purpose and for conditions that constitute a basis for denying an employee's request due to interference with the agency's mission.	Final regulations: 6/83	Dwight W. Brown, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E St., NW., Room 4351 Wash., D.C. 20415 (202) 632-4634.	No.
38. 5 CFR Part 551 Subpart B.	Pay Administration Under the FLSA: Exemptions.	29 U.S.C. 204(f), 213(a)(1).	Proposed revised regulations to simplify the exemption determination process. These revisions would reduce the costs to agencies of administering the FLSA.	Target date for proposed regulations: 1/83. Final regulations: 4/83.	Mario Caviglia, Personnel Management Specialist, U.S. Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., NW., Wash., D.C. 20415 (202) 632-5691.	No.

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39. 5 CFR Part 551 Subpart F.	Pay Administration under the FLSA: Compliance.	29 U.S.C. 204 F., 5 U.S.C. 1103a5.	Proposed new regulation to implement the FLSA Compliance Program and simplify the FLSA claims handling process.	Target date for proposed regulation: 1/83.	Mario Caviglia, Personnel Management Specialist, U.S. Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., NW., Wash., D.C. 20415 (202) 632-5691.	No.
40. 5 CFR Part 581	Processing Garnishment Orders for Child Support and/or Alimony.	42 U.S.C. §§ 659, 661-662; 15 U.S.C. § 1673; E.O. 12105.	Clarification of which VA benefits are subject to garnishment. Also assorted revisions and updates.	Target date for proposed regulations: 11/82; target date for final: 12/82.	Murray Meeker, Attorney, U.S. Office of Personnel Management, Office of General Counsel, 1900 E St., NW., Room 6H31 Wash., D.C. 20415 (202) 254-6586.	No.
41.5 CFR Parts 550 and 610.	Pay Administration and Hours of Work.	5 U.S.C. 5548 and 5 U.S.C. 6105.	Final regulations to clarify the definition of "regularly scheduled workweek" under chapters 55 and 61 of title 5, U.S.C. Regulations clarify the meaning of the phrase and reestablish the proper relationship between an agency's responsibility to schedule work under chapter 61 and an employee's entitlement to premium pay for such work under subchapter V of chapter 55 of title 5, U.S.C. GAO has concurred in OPM's issuance of these regulations, which will greatly simplify this aspect of pay administration.	Proposed rules published: 1/82 Target date for final: 10/82.	Dwight W. Brown, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E St., NW., Wash., D.C. (202) 632-4634.	No.
42.5 CFR Part 610, Subpart D.	Hours of Duty Alternative Work Schedules.	5 U.S.C. 6120-6133; Pub. L. 97-221.	Addition of new subpart D to implement the Federal Employees Flexible and Compressed Work Schedules Act of 1982. Conforming changes in Parts 620 and 630.	Proposed regulations being published fall of 1982; target date for final 1/83.	Raymond J. Kirk, Program Analysis Officer, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4614.	No
43.5 CFR Part 630	Absence and Leave	5 U.S.C. 6301 et seq.	Revision of sick, annual, home, and court leave regulations for clarification and elimination of discrepancies in application. Changes are expected to effect cost savings in the area of unpaid indebtedness for advance leave and the granting of sick leave for care of family member who has contagious disease.	Proposed regulations: 6/83.	Betty Roth/Margaret Goodell, Pay & Benefits Specialists, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4684.	No.
44.5 CFR Part 715	Actions in the Interest of the Employee.	5 U.S.C. 1302, 3301, 3302, 7301; E.O. 10577, E.O. 11222.	Final regulation covering voluntary personnel actions and other actions in the interest of the employee. This regulation would update obsolete title of present regulation and incorporate into regulation all mandatory requirements now found in FPM Chapter only.	Target date for final regulation: 12/82.	Cynthia Field, Appellate Policies Division, U.S. Office of Personnel Management, Office of Planning and Evaluation, 1900 E St., NW., Wash., D.C. 20415 (202) 254-5517.	No.
45.5 CFR Part 720	Federal Equal Opportunity Recruitment Program (FEORP).	Pub. L. 95-454; 5 U.S.C. 7201.	Proposed regulations to revise Part 720 to simplify data requirements relating to FEORP; thereby reducing paperwork burdens on agencies.	Publish proposed regulations: 10/82; Target date for final: 12/82.	A. Diane Graham, Assistant Director for Affirmative Employment Programs, U.S. Office of Personnel Management, Room 7528 1900 E St., NW., Wash., D.C. 20415 (202) 632-4420.	No.
46.5 CFR Part 733	Political Activity of Federal Employees.	5 U.S.C. §§ 1308, 3301, 3302, 7301, 7324, 7325; 42 U.S.C. § 2729; E.O. 10577, 3 C.F.R., 1954-1958 Comp. p. 218.	Final regulation expanding the definition of "employee" (§ 733.101).	Target date for proposed regulations: 10/82; target date for final: 12/82.	JoAnn Chabot, Attorney, U.S. Office of Personnel Management, Office of General Counsel, 1900 E St., NW., Room 5H22 Wash., D.C. 20415 (202) 632-5421.	No.
47.5 CFR Part 752	Adverse Actions	5 U.S.C. 7504, 7514 5 U.S.C. 1302.	Proposed regulation clarifying agency's obligation when employee raises issue of health. The regulation would define agency and employee obligations in order to avoid costly reversals of adverse actions.	Target date for proposed regulation: 10/82.	Cynthia Field, Appellate Policies Division, U.S. Office of Personnel Management, Office of Planning and Evaluation, 1900 E St., NW., Wash., D.C. (202) 254-5517.	No.
48. 5 CFR Part 752 Subpart D**.	Adverse Actions	5 U.S.C. 7504, 7514, 5 U.S.C. 1302.	Establish criteria an agency must meet in order to withstand MSPB review of an adverse action. Will attempt to clarify the circumstances in which MSPB may reverse or mitigate adverse actions, with particular emphasis on review of the agency-selected penalty.	Target date for proposed regulation: 7/83.	Harold Ashner, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation, 1900 E St., NW., Wash., D.C. 20415 (202) 254-5517.	No.

PART I.—LIST OF CURRENT AND PROJECTED REGULATIONS SCHEDULED FOR DEVELOPMENT NOV. 1, 1982 THROUGH OCT. 31, 1983—Continued

*P indicates a priority regulation. Priority regulations include those designated for priority development or review by the Director, OPM, regulations that are "major rules" under Section 1(b) of Executive Order 12291, and regulations designated for review by the Presidential Task Force on Regulatory Relief. **New Item.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities
49. 5 CFR Part 752 Subpart F.	Adverse Actions (Regulatory Requirements for Taking Adverse Actions Under the Senior Executive Service).	5 U.S.C. 7543	Final regulations on (1) suspensions for more than 14 days and (2) removal from the civil service of SES career appointees. These actions were authorized by Pub. L. 95-454 (Oct. 13, 1978), which was amended by Pub. L. 97-35 (Aug. 13, 1981). The regulations establish procedures for implementing the law.	Interim regulations published 7/31/79 (44 FR 44818); target date for final: 12/82.	Ann Ugelow, Executive Personnel Representative, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-3782.	No.
50. 5 CFR Part 792	Alcoholism and Drug Abuse.	Pub. L 91-616 and Pub. L. 92-255.	Final regulation to implement and clarify the legislative requirements for alcoholism and drug abuse programs and services for Federal Civilian employees as contained in the FPM. Developing and implementing programs based on the regulatory requirements will result in agency adverse actions involving alcohol and drug abuse being sustained by MSPB.	Proposed regulations: 11/82. Target date for final regulation: 6/83.	Frank T. Cavanaugh, Program Analyst, U.S. Office of Personnel Management, WED, Agency Service Division, Employee Health Service Branch, 1900 E St., NW., Wash., D.C. 20415 (202) 532-7647.	No.
51. 5 CFR Part 831	Retirement; Government Claims for Recovery of Indebtedness.	5 U.S.C. 8347, 4 CFR sec. 101.1 et seq.	Final regulations prescribing procedures for submission of agency claims for recovery of an indebtedness against benefits due from the Civil Service Retirement System. Regulations are required as part of resolution of *Rhinehart v. Seneca*, et al.	Interim regulations published 8/25/81. 46 FR 42835. Final regulations: 12/82.	Patricia Rochester, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E. St., NW. Wash., D.C. 20415 (202) 632-4634.	No.
52. 5 CFR Part 831, Subparts E and L.	Retirement	5 U.S.C. 8347	Final regulations in Subpart E to conform to changes in Part 339. Final regulations in Subpart L to restrict agencies' authority to file disability applications on behalf of employees and reduce number of unwarranted applications.	Final regulations: 6/83	Mary Sugar, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4634; Cynthia Field, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation, 1900 E St., NW., Wash., D.C., 20415.	No.
53. 5 CFR Part 831 Subpart M.	Retirement, Recovery of Annuity Overpayments.	5 U.S.C. 8331 et seq.	The final court order in Shannon v. U.S.C.S.C. restricts the circumstances in which hearing must be offered when there has been an overpayment from the Civil Service Retirement System. Regulation change will reflect the final decision of the court, and propose other changes concerning hearings in overpayment cases.	Proposed regulation: 11/82.	Kenneth Glass or Harold Siegelman, Paralegal Specialist, Office of Pay and Benefits Policy, Compensation Group, U.S. Office of Personnel Management, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4684.	No.
54. 5 CFR Parts 831, 870, 871, and 890.	Retirement: Retention of Benefits Upon Employment by Indian Tribal Organizations.	Pub. L. 93-638; 5 U.S.C. 8716 et seq.; E.O. 11899.	To provide for retention of CSR, FEHB, and FEGLI coverage by certain Federal employees who transfer to tribal organization employment. Implements Pub. L. 93-638, "The Indian Self-Determination and Educational Assistance Act".	Proposed rules published: 6/79. Target date for final: 10/82.	Jane Lohr, Pay and Benefits Specialist, U.S. office of Personnel Management, Office of Pay and Benefits Policy Compensation, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4634.	No.
55.5 CFR Part 831, Various Parts—Miscellaneous Changes.	Retirement	5 U.S.C. 8331 et seq	Update and revision of proposed existing regulations—needed to conform to law, other changes.	Proposed regulations: 2/83.	Lauretta Hall, Pay and Benefits Specialist, Office of Pay and Benefits Policy, U.S. Office of Personnel Management, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4684.	No.
56.5 CFR Part 890, Various Parts—Miscellaneous Changes.	Health Benefits	5 U.S.C. 8901 et seq	Update revision of existing regulations—needed to conform to law, other changes.	Proposed regulation: 2/83.	Lauretta Hall, Pay and Benefits Specialist, Office of Pay and Benefits Policy, U.S. Office of Personnel Management, 1900 E St., NW., Wash., D.C. 20415.	No.
57.5 CFR Parts 870, 871, 872, 873.	Life Insurance and Optional Insurance.	5 U.S.C. 8716	Final regulations to implement Federal Employees Group Life Insurance Act of 1980. Program currently operating under interim regulations.	Final regulations: 12/82	John Landers, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4634.	No

PART I.—LIST OF CURRENT AND PROJECTED REGULATIONS SCHEDULED FOR DEVELOPMENT NOV. 1, 1982 THROUGH OCT. 31, 1983—Continued

*P indicates a priority regulation. Priority regulations include those designated for priority development or review by the Director, OPM, regulations that are "major rules" under Section 1(b) of Executive Order 12291, and regulations designated for review by the Presidential Task Force on Regulatory Relief. **New Item.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities
58.5 CFR Part 930 Subpart A**.	Programs For Specific Positions and Examinations (Miscellaneous) Subpart A—Motor Vehicle Operators.	40 U.S.C. 471, 5 U.S.C. 1104.	Final regulations to permit Federal agencies to develop and use alternative procedures in the review and authorization of civilian employees to operate Government owned or leased motor vehicles. These changes would allow increased flexibility and ease the administrative burden and cost for Federal agencies without jeopardizing the safety of this program.	Proposed regulations to be published 12/82.	Van K. Yee, Personnel Staffing Specialist U.S. Office of Personnel Management, Staffing Group 1900 E St., NW., Wash., D.C. 20415 (202) 632-6030.	No.
59.5 CFR Part 930 Subpart B.	Appointment, Pay and Removal of Administrative Law Judges.	5 U.S.C. 1305, 3105.....	Add text to reflect procedures for appeals by ineligible applicants per advice of OGC. Will clarify procedures for applicants who are dissatisfied with their rating obtained from the Office of Administrative Law Judges after completion of examination process.	Proposed regulations published 1/29/82 (47 FR 4277) Target date for final: 9/82.	Marvin H. Morse, Assistant Director for Administrative Law Judges, U.S. Office of Personnel Management, Office of Administrative Law Judges, Staffing Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4604.	No.
60.5 CFR Part 930 Subpart B.	Appointment, Pay and Removal of Administrative Law Judges.	5 U.S.C. 1305, 3105.....	Revision to outdated text in light of opinion of Attorney General dated 12/18/76, concerning title "judge".	Proposed regulations 1/29/82 (47 FR 4277) Revised target date for final: 1/83. Issuance postponed in light of comments received following notice of proposed rulemaking.	Marvin H. Morse, Assistant Director for Administrative Law Judges, U.S. Office of Personnel Management, Office of Administrative Law Judges, Staffing Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-4604.	No.
61.5 CFR Part 1001.....	Regulations Governing Employees in the Office of Personnel Management: Employees Responsibilities and Conduct.	E.O. 11222, 30 F.R. 6469 3 CFR 1964-65 Comp. p. 306; 5 CFR § 735.101 et seq.	Clarification of the scope of 5 CFR § 1001.735-205 on "Misuse of Information" and elimination of 5 CFR § 1001.735-208 on "Disagreements between Government Officials" in response to an MSPB order questioning whether these provisions inhibit legitimate "whistle blowing." Addition of a new section to highlight procurement restrictions; i.e., contracting with Government employees. Editorial changes to reflect Office of Personnel Management reorganization.	Revised target date for final; 9/82.	Llewellyn M. Fischer, United States Office of Personnel Management, Office of General Counsel, 1900 E Street, NW., Room 5H22, Washington, D.C. 20415.	No.
62.41 CFR Ch 16 Subpart 16-3.8**.	Price Negotiation Policies and Techniques.	40 U.S.C. 486(c) 5 U.S.C. 8913.	Final regulation to modify and refine existing regulations governing service charges for FEHB health benefit contracts. Regulations follow the new FPR requirements that Federal agencies making noncompetitive awards over $100,000 totaling $50 million annually shall prescribe a structured approach for determining the profit or fee objective in those acquisitions which require cost analysis.	Proposed regulations 12/82.	Mary Ann Mercer, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-4634.	No.

PART II.—LIST OF *Existing* REGULATIONS SCHEDULED FOR REVIEW NOV. 1, 1982 THROUGH OCT. 31, 1983

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contract, title of person, mailing address and telephone number	Affects small entities?
			NO SUBMISSIONS			

PART III.—A COMPLETED ACTIONS

CFR citation	Title	Contact	Citation	Reason for completion
1. Part 737.....	Post Employment Conflict of Interest; Designation of Certain Positions and Agencies.	Gary Davis or Robert Flynn, (202) 632-7642.	47 FR 9694, Mar. 5, 1982.....	Final regulations published.
2. Part 831.....	Retirement; Disclosure of Information	Kenneth H. Glass, Jr. (202) 632-9677.	47 FR 12937, Mar. 26, 1982.....	Final regulations published.
3. Part 890.....	Federal Employees Health Benefits Program.	Lauretta Hall, (202) 632-4684	47 FR 14868, Apr. 6, 1982	Final regulations published.
4. Part 890.....	Federal Employees Health Benefits Program; Medically Underserved Areas.	Lauretta Hall, (202) 632-4684	47 FR 17465, Apr. 23, 1982.....	Final regulations published.

PART III.—A COMPLETED ACTIONS—Continued

CFR citation	Title	Contact	Citation	Reason for completion
5. Parts 307, 316	Veterans Readjustment Appointments, Temporary and Term Employment.	Marvin Kossman or Don Smith, (202) 254-3058.	47 FR 27539, June 25, 1982	Final regulations published.
6. Part 950	Solicitation of Federal Civilian and Uniformed Services Personnel for Contributions to Private Voluntary Organizations.	Joseph S. Patti, (202) 632-5544	47 FR 29496, July 6, 1982	Final regulations published.
7. Part 531	Pay Under the General Schedule	Donald J. Winstead, (202) 632-4634 or Peter G. Rymshaw, (202) 632-5626.	47 FR 30229, July 13, 1982	Final regulations published.
8. Part 890	Federal Employees Health Benefits Program; Employee Contributions.	John Landers, (202) 632-4634	47 FR 30961, July 16, 1982	Final regulations published.
9. Parts 213, 752	Schedule B Appointment Authority for Professional and Administrative Career Positions.	William Bohling, (202) 632-6000	47 FR 38257, Aug. 31, 1982	Final regulations published.

PART III.—B ITEMS TO BE DROPPED FROM OMB LISTING

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities?
1. 5 CFR Part 530 Subpart C**.	Pay Rates and Systems (General): Effect of Statutory pay increase.	5 U.S.C. 5303; E.O. 11721 as amended.	Eliminates the alignment of special rates with the new regular schedule each October because OPM will make all special rates effective on the date of the general pay adjustment in October of each year.	Final Rule 10/82	Richard J. Carney, Chief, Allowances and Special Rates Division, U.S. Office of Personnel Management, 1900 E St., NW., Wash., D.C. 20415 (202) 632-8742.	No.

**New Item.

[FR Doc. 82-27927 Filed 10-27-82; 8:45 am]
BILLING CODE 6325-01-M

federal register

Thursday
October 28, 1982

Part XXX

Pennsylvania Avenue Development Corporation

Unified Agenda of Federal Regulations

Part XXX

Pennsylvania Avenue Development Corporation

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document lists planned regulations of PADC and summarizes regulatory actions completed during the past six months. It was prepared in response to OMB Bulletin 82–16.

FOR FURTHER INFORMATION CONTACT: Ms. Madeleine B. Schaller, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Washington, D.C. 20004; (202) 566–1078.

Dated: September 24, 1982.

I. CURRENT AND PROJECTED RULEMAKINGS

(a) Policy and Procedures To Facilitate Successful Relocation of Businesses and Residents Within the Pennsylvania Avenue Development Area

(b) Mr. Jerry Smedley, Director of Real Estate, 425 13th Street, NW., Washington, D.C. 20004 (202) 523–3726.

(c) The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

(d) 36 CFR Part 908.

(e) Pennsylvania Avenue Development Corporation Act of 1972, 40 U.S.C. 875.

(f) Supplements existing relocation regulations by providing additional relocation assistance as required by the PADC Plan.

(g) No definite timetable.

II. REVIEWS OF EXISTING REGULATIONS

None.

III. COMPLETED ACTIONS

(a) General Guidelines and Uniform Standards for Urban Planning and Design Development Within the Pennsylvania Avenue Development Area

(b) Ms. Mary Schneider Chyun (202) 566–1078.

(c) 47 FR 36641, Monday, August 23, 1982.

(d) This action revised and published the General Guidelines as a final rule and revoked the interim rules published in 36 CFR Parts 921, 922 and 923.

Thomas J. Regan, Jr.,

Executive Director.

[FR Doc. 82–27928 Filed 10–27–82; 8:45 am]

BILLING CODE 7630–01–M

federal register

Thursday
October 28, 1982

Part XXXI

Pension Benefit Guaranty Corporation

Agenda of Regulations Under Development

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next twelve months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESS: Office of the General Counsel (210), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Melanie Franco Nussdorf, Special Counsel, Office of the General Counsel, 202–254–6476. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, (the "Executive Order"), each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive Order also requires that the agenda also include those currently effective regulations that are being reviewed by the agency pursuant to the Executive Order. The Regulatory Flexibility Act, 5 U.S.C. 601, Pub. L. 96–354, 94 Stat. 1164, has a similar agenda requirement. Under that law, the agenda must list any regulation subject to the Act that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines (OMB Bulletin No. 82–16) prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation. (All the items on this agenda are regulations under development. One regulation, the rule on reportable events (item 5) was reviewed by PBGC pursuant to the Executive Order, and it was determined that that rule should be amended. Accordingly, it is included with the regulations under development.)

The guidelines also require that "priority regulations" be listed first. Priority regulations are those designated as such by the agency head or those that are "major rules" under the Executive Order. PBGC has determined that all the regulations listed in this agenda are necessary to the effective implementation of the insurance program. Accordingly, no distinction is made for "priority regulations."

Finally, as an additional aid to readers, PBGC has separated the regulations under the single-employer insurance program from those under the multiemployer program.

Unless otherwise indicated, all citations in the agenda are to sections of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980 ("the Multiemployer Act"), Pub. L. No. 96–364, 94 Stat. 1208 ("ERISA").

The guidelines require a description of the potential costs and benefits of each regulation. The regulations listed on this agenda fall into three general categories. Some lessen statutory requirements, thereby lowering costs to the public and minimizing burden on plans and plan sponsors. See, for example, items #1 and 5. Others simply implement statutory requirements, and although costs may be imposed because of these statutory requirements, the public is benefitted by clear and unambiguous rules which lessen the probability of disputes, litigation and public confusion. See, for example items #6 and 7. Others of the regulations in the agenda reallocate costs necessarily imposed by the statute, so that although certain contributing employers may experience greater costs, others will experience an equivalent reduction in costs, resulting in a net effect of zero. See, for example, items #12 and 15. Where applicable, additional costs and benefits are stated separately in the item relating to the particular regulation.

1. a. Title: Rules for Filing a Notice of Intent to Terminate

b. *PBGC Contact.* Mr. William Seals, Deputy Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street N.W., Washington, D.C. 20006, 202–254–4895.

c. *Effect on Small Businesses and Other Entities.* Not subject to the Regulatory Flexibility Act.

d. *CFR Citation.* This rule will amend 29 CFR, Part 2616.

e. *Legal Authority.* ERISA sections 4002, 4041, and 4043, 29 U.S.C. 1302, 1341, and 1343.

f. *Abstract.* This rule involves the issuance of a joint form (Form 5310) by the PBGC and the Internal Revenue Service ("IRS") and amendments to the PBGC's Notice of Intent to Terminate regulation, 29 CFR Part 2616. This regulation applies only to single-employer plans, and will provide plan administrators with simplified procedures, and a basic form for notifying the PBGC of plan terminations. Use of the new procedures will eliminate duplicative filing requirements of the PBGC and IRS. PBGC estimates that use of the joint form will halve the costs of filing associated with plan termination.

g. *Timetable.* PBGC expects to issue a final regulation by November 30, 1982.

2. a. Title: Rules for Valuing Group Insurance Contracts (Amendment to the Valuation of Plan Assets Regulation)

b. *PBGC Contact.* Ms. Joan Segal, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street N.W., Washington, D.C. 20006, 202–254–3010.

c. *Effects on Small Businesses and Other Entities.* Not subject to the Regulatory Flexibility Act.

d. *CFR Citation.* This rule will amend 29 CFR, Part 2620.

e. *Legal Authority.* ERISA sections 4002(b)(3), 4041, 4044, and 4062(b)(1), 29 U.S.C. 1302(b)(3), 1341, 1344, and 1362(b)(1).

f. *Abstract.* This amendment to the existing PBGC regulation on valuing plan assets, 29 CFR Part 2620, will set forth rules for valuing group insurance contracts as plan assets. This regulation applies to single-employer plans. This rule is necessary to provide uniform standards for plan administrators and employers to use in valuing insurance contracts. The rule will enable plans which are funded through insurance contracts to have clear guidance on how this asset should be treated in the plan termination context, and alleviate time-consuming costly delays due to uncertainty on how this commonly used plan funding vehicle should be valued.

g. *Timetable.* The PBGC expects to issue a final rule by June 30, 1983.

3. a. Title: Rules for Recovery of Benefit Overpayments and Early Benefit Reduction

b. *PBGC Contact.* Mrs. Renae Hubbard, Special Counsel, Office of the General Counsel, Pension Benefit

Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–4895.

c. *Effects on Small Businesses and Other Entities.* The PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2623.

e. *Legal Authority.* ERISA sections 4002(b)(3), 4022, 4041, 4042, 4044, and 4061, 29 U.S.C. 1302(b)(3), 1322, 1341, 1342, 1344 and 1361.

f. *Abstract.* The PBGC is developing a proposed regulation to set forth rules designed: (a) To reduce benefit overpayments made to plan participants after the date of plan termination by requiring plan administrators to reduce benefit payments to the estimated level of Title IV benefits payable; (b) to define the circumstances under which the PBGC will recover overpayments from plan participants; and (c) to describe the method(s) by which the PBGC will recover overpayments. The proposed regulation applies only to single-employer plans. This regulation is needed to establish rules and procedures for the prompt reduction of benefits after the date of plan termination in order to minimize overpayments to participants and to establish a formal procedure for PBGC recovery of overpayments to participants. This regulation will provide guidance to plan administrators and participants and minimize costs to the insurance system. No new costs will be added to plan sponsors because PBGC presently requests plan administrators to cut back benefits after termination to estimated guaranteed benefits. The effect of the rule in this respect will be simply to provide clear guidance as to the method and form of the cutback. The rule will greatly minimize losses to the insurance system because it will be far more likely that the overpayments in benefits will be small and will be capable of complete recoupment during the participant's lifetime.

g. *Timetable.* PBGC expects to issue a proposed rule by December 31, 1982.

4. a. Title: Rules Relating to Plan ERISAfication (Proposed Amendments to the Guaranteed Benefits and Limitation on Guaranteed Benefits Regulations

b. *PBGC Contact.* Mrs. Renae Hubbard, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–4895.

c. *Effects on Small Businesses and Other Entities.* The PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will amend 29 CFR, Parts 2613 and 2621.

e. *Legal Authority.* ERISA sections 4001(a), 4002(b)(3), 4022, and 4022B, 29 U.S.C. 1301(a), 1302(b)(3), 1322 and 1322B.

f. *Abstract.* The Multiemployer Act requires the PBGC to guarantee those benefits that are provided under the terms of a plan or that are required by law. Under the Multiemployer Act, all plans that terminate on or after September 26, 1980, are to be treated as though the essential requirements of Title I of ERISA were added to the plan as of the effective date under Section 211 of ERISA with respect to each plan. Accordingly, the PBGC proposes to amend its Guaranteed Benefits regulation, 29 CFR Part 2613, and its Limitation on Guaranteed Benefits regulation, 29 CFR Part 2621, to set forth the essential provisions that will be read into such plans. These amendments apply only to single-employer plans, althought the agency will shortly begin work on amendments that will apply to multiemployer plans. The single-employer changes will not be delayed since the larger number of terminating single-employer plans necessitates regulatory guidance now. This regulation is needed in order to ensure that participants and beneficiaries in terminating single-employer plans receive the retirement benefit protection mandated by Congress.

g. *Timetable.* The PBGC expects to issue a proposed rule by December 31, 1982.

5. a. Title: Rules Relating to Reporting and Notification Requirements for Reportable Events

b. *PBGC Contact:* Ms. Melanie Nussdorf, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–6476.

c. *Effect on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will amend 29 CFR, Part 2615.

e. *Legal Authority.* ERISA sections 4002(b)(3), 4043, and 4065, 29 U.S.C. 1302(b)(3), 1343 and 1365.

f. *Abstract.* Section 4043 of ERISA sets forth several types of events with respect to which plan administrators must notify the PBGC and authorizes the PBGC to waive the thirty-day notification requirements for any of those events. The Multiemployer Act amended section 4065 of ERISA to authorize PBGC to waive the requirement that a list of reportable events be included in the Annual Report filed with the PBGC. In addition, the Multiemployer Act established separate reporting and notification requirements for multiemployer plans. Accordingly, the PBGC is amending its reportable events regulation, 29 CFR Part 2615, which modifies certain of the statutory requirements, to further delete unnecessary reporting requirements for both single-employer and multi-employer plans. The regulation will reduce the reporting and notification requirements to which plan administrators are subject.

g. *Timetable.* The PBGC expects to issue a proposed rule by December 31, 1982.

6. a. Title: Rules Governing the Arbitration of Disputes Concerning Employer Liability

b. *PBGC Contact:* Mrs. Renae Hubbard, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–4895.

c. *Effect on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2641.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4221(a)(2), 29 U.S.C. 1302(b)(3) and 1321(a)(2).

f. *Abstract.* Section 4221 of ERISA provides that any dispute between an employer and the sponsor of a multiemployer plan regarding the determination of the employer's withdrawal liability to the plan shall be resolved through arbitration. Section 4221(a)(2) of ERISA provides that an arbitration proceeding under this section shall be conducted in accordance with fair and equitable procedures prescribed by the PBGC. The regulation will set forth those procedures. This regulation is needed to provide the rules of procedure under which an arbitration proceeding will be conducted. PBGC expects that the rule will minimize costs on plan sponsors and contributing employers because it provides a clear set of rules designed to clarify the Act's provisions and the responsibilities of the respective parties.

g. *Timetable.* The PBGC expects to issue a proposed rule by December 31, 1982.

7. a. Title: Notice and Collection of Withdrawal Liability.

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2644.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4219(c), 29 U.S.C. 1302(b)(3) and 1399(c).

f. *Abstract.* Section 4219(c)(6) of ERISA provides that the interest rate charged by a multiemployer plan in the event of delinquency or default in the payment of withdrawal liability shall be based on prevailing market rates for comparable obligations, in accordance with PBGC regulations. This regulation will implement that section by establishing the interest rate to be used. In addition, PBGC is considering giving plans authority to establish their own rates, consistent with section 4219(c)(6).

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by December 31, 1982.

8. a. Title: Powers and Duties of Plan Sponsors of Plans Terminated by Mass Withdrawal: Notices of Benefit Reductions and Suspensions

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2675.

e. *Legal Authority.* ERISA sections 4002(b)(2) and 4281(c) and (d), 29 U.S.C. 1302(b)(2) and 1441(c) and (d).

f. *Abstract.* Section 4281 of ERISA contains rules relating to the administration and payment of benefits under multiemployer plans that have terminated by mass withdrawal. Under certain circumstances, the plan sponsor is required to amend the plan to eliminate benefits not eligible for PBGC's guarantee under section 4022A. In addition, if the terminated plan becomes insolvent, the sponsor is required to suspend payment of any benefits that are in excess of those guaranteed under Section 4022A. The PBGC is authorized to modify the statutory duties of the plan sponsor, including the duty to provide participants and beneficiaries with notice of benefit reductions, and is required to prescribe rules that ensure that plan participants and beneficiaries receive adequate notice of the benefit suspensions. This regulation will prescribe the requirements for these two notices, and will also modify the statutory rules concerning when a plan sponsor must make determinations of plan solvency.

This regulation will benefit multiemployer plans by reducing the number of notices that would otherwise be required under ERISA, thus reducing plan costs. In addition, the regulation will benefit plan participants and beneficiaries by requiring that they receive timely and informative notices of benefit reductions and suspension. These benefits cannot be quantified. While providing the notices required by the regulation will obviously entail a cost to plans, the aggregate cost will be low: PBGC estimates that fewer than 10 plans per year will terminate by mass withdrawal, and only a very few of those will ever be required to reduce or suspend benefits.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by March 31, 1983.

9. a. Title: Variances for Sales of Assets

b. *Agency Contact.* Mr. James M. Graham, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will amend 29 CFR, Part 2643.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4204(c), 29 U.S.C. 1302(b)(3) and 1384(c).

f. *Abstract.* Section 4204 of ERISA provides that the sale of assets by an employer who contributes to a multiemployer plan, which would normally constitute a withdrawal from the plan, will not be considered a withdrawal if certain requirements are met. This regulation will provide exemptions or variances from the purchaser's bond/escrow requirement and the sales-contract requirement of section 4204(a)(1)(B) and (C) of ERISA under certain conditions.

This regulation will assist employers who engage in sales of assets to structure those transactions so as to avoid any immediate liability for the seller's withdrawal from a multiemployer plan. Further, by waiving the requirement that the purchaser post a bond or establish an escrow account, the regulation frees up funds that the purchaser may use for other purposes. In 11 cases decided so far in which the PBGC has granted individual exemptions from this requirement, the total amount of the bonds/escrows waived is approximately $7.9 million.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by December 31, 1982.

10. a. Title: Notice of Insolvency

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2674.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4245(e), 29 U.S.C. 1302(b)(3) and 1426(e).

f. *Abstract.* Section 4245(e) of ERISA requires the plan sponsor of a multiemployer, upon determining that the plan may become insolvent, to give notice of that fact to the PBGC, contributing employers, affected employee organizations and plan participants. In addition, the plan sponsor must inform those parties of the plan's resource benefit level for the insolvency year. Section 4245(e)(4) of ERISA requires that the notices be given in accordance with regulations prescribed by the PBGC. This regulation will establish the procedures for issuing and the contents of the insolvency notices.

The early notice of potential plan insolvency to the collective bargaining parties will enable the parties, if they so choose, to negotiate additional contributions in order to avoid insolvency and the consequent benefit suspensions. This is of benefit to plan participants and beneficiaries, although it is not possible to quantify that benefit. If adopted as currently drafted, the regulation would impose some costs above those already imposed by the pertinent statutory provisions, which require insolvency notices only from plans in reorganization, because the regulation would require the insolvency notices to be issued by all plans. However, the aggregate additional cost will be slight: PBGC estimates there will be approximately five insolvent plans in any year, but of this number, perhaps only one will not be in reorganization.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by March 31, 1983.

11. a. Title: Mergers and Transfers Between Multiemployer Plans

b. *Agency Contact.* Mr. James M. Graham, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2672.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4231, 29 U.S.C. 1302(b)(3) and 1411.

f. *Abstract.* Section 4231(b)(1) of ERISA requires the plan sponsor of a multiemployer plan to notify PBGC, in accordance with regulations prescribed by PBGC, of a merger or transfer of assets or liabilities to another multiemployer plan. In addition, section 4231(b) contains three other conditions that all mergers or transfers between multiemployer plans must satisfy. This regulation will establish the requirements for the notice to PBGC, as well as provide guidance to plan sponsors in complying with the other three conditions.

The primary benefit of this regulation is that it will protect the multiemployer insurance system and the premium payers by helping to insure that plans do not engage in transactions that would have the effect of weakening any of the plans involved in the transaction. By requiring the notice to include data that will enable PBGC to monitor compliance with section 4231(b), the regulation does impose new costs on the public. PBGC expects these costs to be approximately $12,000 per year, assuming 40 mergers and transfers of assets or liabilities per year.

g. *Timetable.* A notice of proposed rulemaking was published in the **Federal Register** on December 22, 1981 (46 FR 62087). The comment period ended on February 22, 1982. PBGC expects to issue the final regulation by March 31, 1983.

12. a. Title: Extension of Special Withdrawal Liability Rules

b. *Agency Contact.* Mr. James M. Graham, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will amend 29 CFR, Part 2645.

e. *Legal Authority.* ERISA sections 4002(b)(3), 4203(f) and 4208(e)(3), 29 U.S.C. 1302(b)(3), 1383(f) and 1388(e)(3).

f. *Abstract.* Under section 4203(f) of ERISA, PBGC may permit plans to adopt special withdrawal liability rules, similar to those applicable to the construction and entertainment industries, if PBGC determines that the rules adopted by a plan would apply to an industry that has the characteristics that would make use of the special rules appropriate, and that use of the rules would not pose a significant risk to the PBGC insurance system. PBGC has already issued a regulation establishing the procedures under which plans may seek PBGC approval of special withdrawal rules (47 FR 12622 (March 24, 1982)). The purpose of this rulemaking is to establish general standards under which PBGC could make the determinations described above.

The benefit of this regulation is that it will enable certain employers in qualifying plans to cease participation in those plans without incurring withdrawal liability. This rule will also benefit those plans by helping them attract new employers and by reducing the administrative costs associated with calculating and assessing withdrawal liability.

g. *Timetable.* An advance notice of proposed rulemaking was ublished in the **Federal Register** on May 5, 1982 (47 FR 19376). The comment period ended on July 6, 1982. PBGC expects to issue a notice of proposed rulemaking by March 31, 1983.

13. a. Title: Supplemental Guarantee Program

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Parts 2690–2699.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4022A(g)(2), 29 U.S.C. 1302(b)(3) and 1322a(g)(2).

f. *Abstract.* Section 4022A(g)(2) of ERISA requires PBGC to issue regulations establishing a supplemental program to guarantee benefits under multiemployer plans that would otherwise be guaranteed but for the limitations in section 4022A(c) of ERISA. Participation by plans in this supplemental program is optional. These regulations will address premiums, eligibility requirements, applications for coverage, the amount of coverage provided, and financial assistance from PBGC under the supplemental program.

Since ERISA requires that the supplemental guarantee program be entirely self-supporting, it follows that the costs to the public (the premiums) will have to at least equal the insurance benefits provided plus the PBGC's cost of administering this program. Because participation in this program is voluntary and because PBGC has not yet published a notice of proposed rulemaking, PBGC does not have any reliable data on the number of plans that will participate and the amount of insurance coverage they will purchase. Accordingly, PBGC is unable to quantify the costs and benefits.

g. *Timetable.* PBGC expects to publish a notice of proposed rulemaking by December 31, 1982.

14. a. Title: Rules Defining the "Building and Construction Industry"

b. *Agency Contact.* Mr. James M. Graham, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2646.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4203(b), 29 U.S.C. 1302(b)(3) and 1383(b).

f. *Abstract.* Section 4203(b) of ERISA contains special withdrawal rules applicable to the building and construction industry. ERISA does not, however, contain a definition of the term "building and construction industry"; nor does it define two other terms critical to the special rules, "primarily" and "substantially." This regulation would provide those definitions. Because there are conflicting views among the public as to the need for this regulation, and because of the difficulty in developing appropriate definitions of these terms, PBGC plans to issue an advance notice of proposed rulemaking on this matter. After reviewing the comments received in response to the advance notice, PBGC will determine whether to proceed with a regulation.

g. *Timetable.* PBGC expects to publish an advance notice of proposed rulemaking by October 31, 1982.

15. a. Title: Reduction or Waiver of Complete Withdrawal Liability

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive

Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2647.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4207(a), 29 U.S.C. 1302(b)(3) and 1387(a).

f. *Abstract.* Section 4207(a) of ERISA requires the PBGC to establish rules for reducing or waiving the liability of an employer who has completely withdrawn from a multiemployer plan and subsequently resumes covered operations or renews the obligation to contribute under the plan. This regulation will prescribe the circumstances under which an employer's liability will be reduced or waived and the rules for computing the employer's liability for a complete or partial withdrawal after it has reentered the plan.

This regulation will benefit multiemployer plans by encouraging some employers who have withdrawn from these plans to renew their participation in the plans. By the same token these employers will benefit by having some or all of their withdrawal liability waived. While the plans will incur the cost of foregoing collection of some of the withdrawal liability owed them, the assumption underlying this statutory provision is that these costs will be offset by the contributions employers will make to the plans after their reentry. PBGC is unable to quantify these benefits and costs, because it cannot predict the number of employers who will avail themselves of this rule.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by March 31, 1983.

16. Title: Transfers of Liabilities to Single-Employer Plans: Waiver of Multiemployer Plan's Contingent Liability

b. *Agency Contact.* Mr. James M. Graham, Attorney, Office of Excecutive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2679.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4232(c), 29 U.S.C. 1302(b)(3) and 1412(c).

f. *Abstract.* Under section 4232(c), a multiemployer plan that transfers liabilities to a single-employer plan is contingently liable to PBGC, up to the amounts specified in section 4232(c), if the single-employer plan terminates within five years after the transfer. PBGC is authorized, however, to waive the contingent liability if it determines that its interests and the interests of plan participants and beneficiaries are adequately protected. This regulation will provide procedures for applying to PBGC for a waiver and standards under which waivers will be granted.

This regulation will benefit those multiemployer plans that will qualify for a waiver of their contingent liability. To date, PBGC has received three requests for waivers, involving potential maximum liabilities of approximately $1,190,000. PBGC is unable to predict how many more plans may apply for waivers once this regulation is issued. Insofar as the intended purpose of this regulation is achieved, there will be no costs associated with it, because the contingent liability will be waived only in those situations where it is extremely unlikely that the liability would ever become an actual claim of PBGC against the multiemployer plan.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by June 30, 1983.

17. a. Title: Redetermination of Withdrawal Liability Upon Mass Withdrawal

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects of Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2676.

e. *Legal Authority.* ERISA sections 4002(b)(3), 4209 (c) and (d), and 4219(c)(1)(D), 29 U.S.C. 1302(b)(3), 1389 (c) and (d), and 1399(c)(1)(D).

f. *Abstract.* The rules for determining an employer's withdrawal liability do not necessarily allocate a plan's total unfunded vested benefits because of the rules reducing or eliminating withdrawal liability, such as the *de minimis* rule. Therefore, if all or substantially all the employers in a plan withdraw, there may be large unallocated amounts that would constitute a potential claim on the insurance system. In order to avoid this result, section 4219(c)(1)(D) requires the determination or redetermination of withdrawal liability in order to fully allocate a plan's unfunded vested benefits, upon either the termination of the plan through the withdrawal of every employer, or the withdrawal of substantially all the employers pursuant to an agreement or arrangement to withdraw. This regulation will set forth rules implementing this requirement.

This regulation primarily benefits the multiemployer insurance program and the plans that are required to pay premiums under it, by insuring that in the event of a mass withdrawal (or the withdrawal of substantially all the employers pursuant to an agreement to withdraw), the liability for all unfunded vested benefits is allocated to the withdrawing employers. In addition, in the case of the withdrawal of substantially all employers, the rule will benefit the employers remaining in the plan by preventing them from being left with more than their fair share of the plan's unfunded vested benefits.

g. *Timetable.* PGBC expects to issue a notice of proposed rulemaking by June 30, 1983.

18. a. Title: Valuation of Outstanding Claims for Withdrawal Liability

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2677.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4001(a)(12), 29 U.S.C. 1302(b)(3) and 1301(a)(12).

f. *Abstract.* Three of the four statutory methods for allocating a plan's unfunded vested benefits to a withdrawn employer generally reduce the amount of the unfunded vested benefits by the value of outstanding claims for withdrawal liability. Section 4001(a)(12) of ERISA provides that these claims are to be valued in accordance with PBGC regulations. This regulation will prescribe those valuation rules.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by June 30, 1983.

19. a. Title: Valuation of Other Plan Assets and Plan Benefits

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Parts 2677 and 2678.

e. *Legal Authority* ERISA sections 4002(b)(3) and 4281(b), 29 U.S.C. 1302(b)(3) and 1441(b).

f. *Abstract.* A plan that has terminated by mass withdrawal is required under section 4281(b) of ERISA to perform an annual valuation of the plan's nonforfeitable benefits and assets. This valuation is to be done in accordance with PBGC regulations. This regulation will prescribe those valuation rules.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by August 31, 1983.

20. a. Title: Rules Under Sections 4041A and 428 for Plans Terminated by Mass Withdrawal

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will amend 29 CFR, Part 2675.

e. *Legal Authority.* ERISA sections 4002(b) (3), 4041A and 4281(d), 29 U.S.C. 1302(b)(3), 1341a and 1441(d).

f . *Abstract.* Section 4041A of ERISA provides rules with respect to the termination of multiemployer plans and the payment of benefits under those plans. Under section 4041A(f)(2), PBGC is authorized to prescribe rules for the administration of those plans that are appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the insurance system.

Under section 4281(d)(1), the plan sponsor of a plan that has terminated by mass withdrawal is required annually to determine the value of the plan's nonforfeitable benefits and assets. If the value of the benefits exceeds the value of the assets, the sponsor must amend the plan to eliminate benefits not eligible for PBGC's guarantee under section 4022A(b), to the extent necessary to insure that the plan assets are sufficient to pay all nonforfeitable benefits. This determination of sufficiency is to be made in accordance with rules prescribed by PBGC.

This regulation would establish the rules for administering plans that have terminated by mass withdrawal, including the rules for determining sufficiency in the circumstances described above.

The primary purpose and benefit of this regulation will be to establish rules that encourage the efficient administration of these plans. By thus helping to preserve plan assets, these rules will, in the first instance, benefit plan participants and beneficiaries and secondarily, the multiemployer insurance system and premium payers. PBGC lacks adequate data to be able to quantify these benefits.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by August 31, 1983.

Issued at Washington, D.C., this 22nd day of Sept.,1982.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[Doc. 82-27929 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXXII

Railroad Retirement Board

Semi-Annual Agenda of Regulations Under Development or Review

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semi-Annual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next twelve months and regulations that are scheduled to be reviewed in that period.

ADDRESS: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda as regulations under development.

REGULATIONS UNDER DEVELOPMENT

1. Title: Adjustment of Annuities When Revenues Are Not Sufficient to Pay Full Tier I and Tier II Benefit Components

Agency Contact: Steven A. Bartholow, Assistant General Counsel, 844 Rush Street, Chicago, Illinois 60611, 312–751–4944 (FTS 387–4944).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: Not yet determined.

Legal Authority: 45 U.S.C. 231f(b)(5) and 23lu.

Abstract: The Omnibus Budget Reconciliation Act of 1981 added a new section 22 to the Railroad Retirement Act of 1974. This new section imposes certain responsibilities on the Board if the Board in any fiscal year borrows 50 percent or more of the moneys that it is authorized to borrow by section 15(b)(2) of the Railroad Retirement Act. If 50 percent or more is borrowed in a fiscal year, the Board must submit a report to Congress and the President which among other things must identify the first year, if any, in which the amount of moneys available will not be sufficient to pay full benefits. Within 180 days after submission of a report to the President and Congress identifying a year in which benefits will exceed available funds, the Board must publish regulations in the **Federal Register** providing for the reduction of annuities in such fiscal year. The proposed regulation would implement section 22 of the Railroad Retirement Act.

Timetable: Development of the regulation will begin in the first quarter of fiscal year 1983.

2. Title: Part 220 Disability Determinations

Agency Contact: Marilyn Berg, Program Analyst, Bureau of Retirement Claims, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4818 (FTS 387–4818).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 220.

Legal Authority: 45 U .S.C. 231f(b)(5).

Abstract: The Board's regulations with respect to disability determinations have not been updated for several years and they are, in certain respects, obsolete. When revised, this regulation should ease the administration of disability determinations.

Timetable: A proposed rule should be published in the third quarter of fiscal year 1983.

3. Title: Primary Insurance Amount Determinations

Agency Contact: Marilyn Berg, Program Analyst, Bureau of Retirement Claims, Railroad Retirement Board, 844 Rush Street, Chicago Illinois 60611, 312–751–4818 (FTS 387–4818).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 225.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The computation of benefits under the Railroad Retirement Act of 1074 is quite complex and is not easily understood by beneficiaries. This proposed regulation would explain primary insurance amount determinations in a manner that will enable claimants and beneficiaries to more easily understand this phase of benefit computations.

Timetable: A proposed rule should be published in the fourth quarter of fiscal year 1983.

4. Title: Computing the Employee and Spouse Annuity

Agency Contact: Marilyn Berg, Program Analyst, Bureau of Retirement Claims, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4818 (FTS 387–4818).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 226.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The Board's regulations on the computation of employee and spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act made by the Omnibus Budget Reconciliation Act of 1981.

Timetable: A proposed rule should be published in the first quarter of fiscal year 1984.

5. Title: Definition and Creditability of Service

Agency Contact: Dorothy Swan, Supervisor, Methods and Procedures, Data Processing and Accounts, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4875 (FTS 387–4875).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 220.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The Board's regulations on creditability of service have not been revised recently and a review of the regulations revealed that revisions are necessary to conform to amendments to the Act and to clarify the regulations in several respects.

Timetable: A proposed rule should be published in the second quarter of fiscal year 1983.

6. Title: Military Service

Agency Contact: Dorothy Swan, Supervisor, Methods and Procedures, Data Processing and Accounts, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4875 (FTS 387–4875).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 209.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The Board's regulations on military service have not been revised recently and it was determined based on a review of the current regulations that revisions would be advisable to clarify and simplify the regulations.

Timetable: A proposed rule should be published in the second quarter of fiscal year 1983.

7. Title: Definition and Creditability of Compensation

Agency Contact: Dorothy Swan, Supervisor, Methods and Procedures, Data Processing and Accounts, Railroad

Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4875 (FTS 387–4875).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 222.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The Board's regulations on creditability of compensation have not been revised recently and it was determined based on a review of the current regulations that revisions would be advisable to clarify and simplify the regulations.

Timetable: A proposed rule should be published in the second quarter of fiscal year 1983.

8. Title: Reports and Information to be Filed by Employers

Agency Contact: Dorothy Swan, Supervisor, Methods and Procedures, Data Processing and Accounts, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4875 (FTS 387–4875).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 250.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The Board's regulations on reports and information to be filed by employers have not been revised recently and it was determined based on a review of the current regulations that revisions would be advisable to clarify and simplify the regulations.

Timetable: A proposed rule should be published in the second quarter of fiscal year 1983.

9. Title: Statutory Lien Where Sickness Benefits Paid

Agency Contact: Walter Witkovich, Chief of Adjudication, Bureau of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4810 (FTS 387–4810).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 341.

Legal Authority: 45 U.S.C. 362(1) and 362(o).

Abstract: Section 12(o) of the Railroad Unemployment Insurance Act provides that sickness benefits shall be payable to an individual for days of sickness regardless of the liability of any person for the infirmity for which the benefits are paid. However, that section also provides that the Board is to be reimbursed for the sickness benefits actually paid from any sum or damages paid or payable to the individual by reason of the infirmity.

The proposed regulation will explain when a lien is established under section 12(o) of the Railroad Unemployment Insurance Act, how the amount of the lien is determined, what procedures must be followed by the Board in establishing the lien, and how the lien may be satisfied. In addition, the proposed regulation will establish procedures to be followed by the Board in terminating sickness benefits where it has been reported to the Board that the beneficiary has recovered through settlement or judgment any sum or damages for the same injury or sickness for which sickness benefits under the Railroad Unemployment Insurance Act have been paid.

Timetable: A proposed rule was published in the **Federal Register** on November 10, 1980 (45 FR 74510). Comments were received from the public and consideration has been given to those comments. A final rule should be published in the third quarter of fiscal year 1983.

10. Title: Regulations Under the Regional Rail Reorganization Act of 1973

Agency Contact: Walter Witkovich, Chief of Adjudication, Bureau of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4810 (FTS 387–4810).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 399.

Legal Authority: 45 U.S.C. 362(1).

Abstract: Pursuant to the Northeast Rail Service Act of 1981, appropriations statutes authorized by that Act, and the benefit schedules prescribed by the Secretary of Labor, the Board has certain duties, responsibilities, and powers to administer programs under Title VII of the Regional Rail Reorganization Act of 1973. Regulations are necessary to establish procedures to be followed in making claims under these programs and to establish procedures for resolving disputes and appeals.

Timetable: An interim final rule should be published in the second or third quarter of fiscal year 1983.

11. *Title:* Disclosure of Business Information.

Agency Contact: Arthur A. Arfa, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4567 (FTS 387–4567).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR 200.3.

Legal Authority: 5 U.S.C. 552.

Abstract: The Department of Justice recently directed Federal agencies to establish procedures, preferably as regulations, to cover requests under the Freedom of Information Act for business information provided by private business concerns. A regulation is under development to comply with this directive.

Timetable: A proposed rule should be published in the third quarter of fiscal year 1983.

REGULATIONS TO BE REVIEWED

Title: Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of an Appeals from Such Determinations

Agency Contact: Walter Witkovich, Chief of Adjudication, Bureau of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4810 (FTS 387–4810).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 320.

Legal Authority: 45 U.S.C. 355(b) and 362(1).

Abstract: The Board's regulation on initial determinations and appeals under the Railroad Unemployment Insurance Act have not been revised recently and accordingly, a review of this regulation is necessary to determine whether it should be revised.

Timetable: The review should be completed in fiscal year 1983.

Dated: September 23, 1982.

By Authority of the Board.

James T. Brown,

Chief Executive Officer, Railroad Retirement Board.

[FR Doc. 82-27930 Filed 10-27-82; 8:45 am]

BILLING CODE 7905-01-M

federal register

Thursday
October 28, 1982

Part XXXIII

Selective Service System

Regulatory Agenda

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory Agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) This information will allow the public to participate in the System's decisionmaking at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, D.C. 20435. Telephone (202) 724–1167.

SUPPLEMENTARY INFORMATION: This agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

Subjects of Proposed Rulemaking:

SELECTIVE SERVICE SYSTEM

Selective Service Regulations; Alternative Service

Agency Contact: Henry N. Williams, General Counsel, 1023 31st Street, N.W., Washington, D.C. 20435. Telephone (202) 724–1167.

Effect on Small Business and other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

CFR Citation: 32 CFR Part 1660 will be replaced by 32 CFR Part 1656.

Legal Authority: Military Selective Service Act section 6(j); 50 U.S.C. App. 456(j).

Abstract: A revision of the regulations to implement the program of alternative service under section 6(j) of the Military Selective Service Act (50 U.S.C. App. 456(j) is planned to assure greater fairness and efficiency in its administration.

Timetable: The proposed rule will be published in the **Federal Register** for comment early in October, 1982. This publication will supersede the proposed rule published at 47 FR 24599 (June 7, 1982).

Selective Service Regulations; Deferment or Exemption from Military Service

Agency Contact: Henry N. Williams, General Counsel, 1023 31st Street, N.W., Washington, D.C. 20435. Telephone (202) 724–1167.

Effect on Small Business and other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

CFR Citations: 32 CFR Chapter XVI.

Legal Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

Abstract: Various sections in 32 CFR Chapter XVI will be revised to increase clarity of expression and make them consistent with the planned revision of 32 CFR Part 1660 to become 32 CFR Part 1656.

Timetable: The proposed rule will be published in the **Federal Register** for comment in October, 1982. 32 CFR Parts 1662 and 1665 were published as final rules at 47 FR 7223 (February 18, 1982). The remainder of 32 CFR Chapter XVI (except 32 CFR Part 1660 which appears in 32 CFR Part 1660 (July 1, 1981)) was published as final rules at 47 FR 4640 (February 1, 1981).

Thomas K. Turnage,

Director of Selective Service

September 20, 1982.

[FR Doc. 82–27931 Filed 10–27–82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXXIV

Small Business Administration

Improving Government Regulations; Seminannual Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration.

SUMMARY: This is SBA's seventh semiannual agenda of regulations. Although not a regulatory Agency, SBA has attempted to draft agendas that met both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, Pub. L. 96–354 effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual Agency official listed for the particular item. For information concerning overall SBA Regulatory Review and Development Program and general semiannual agenda questions, contact Martin D. Teckler, Assistant General Counsel for Legislation, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202/653–6662.

SUPPLEMENTARY INFORMATION: The SBA agendas will contain many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments of SBA's previous agendas have been general, and all were positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format is now slightly modified. Part I, Current and Projected Rulemakings, includes rulemakings currently underway and scheduled to be completed shortly. Part II, Reviews of Existing Regulations, includes existing regulations being reviewed within the Agency to determine whether to propose modifications through rulemaking. Part III, Completed Actions, includes regulations completed or withdrawn, and reviews completed since the preceding agenda.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

Dated: September 30, 1982.

Peter Terpeluck, Jr.,

Acting Administrator.

CURRENT AND PROJECTED RULEMAKINGS

Title	Agency contact	Effects on small business and other entities	CFR cite	Legal authority	Abstract	Timetable
Size Standards Revision	Andrew A. Canellas, Director, Office of Industry Analysis, 1441 L St. NW., Washington, D.C. 20416; (202) 653–6373.	Will have a significant economic impact on a substantial number of small businesses.	13 CFR, Part 121.	15 U.S.C. 632	Priority regulation revision of SBA's standards for determining what is a small business for purposes of SBA assistance.	ANPRM, March 10, 1980—45 FR 15442; ANPRM, May 3, 1982—47 FR 18992; proposed rule expected fall 1982.
Small Business Investment Companies.	Robert G. Lineberry, Deputy Associate Administrator for Investment, 1441 L D.C. 20416 (202) 653–6843.	Will have a significant economic impact on a substantial number of small businesses.	13 CFR, Part 107.	15 U.S.C. 687 (c).	Priority regulation revision of regulations governing the Small Business Investment Company program.	NPRM, August, 16, 1982—47 FR 35498; NFRM expected fall 1982.
Definition of Small Business for Preferential Treatment in Timber Sales.	Joseph E. Kernan, Chief, Natural Resources Sales Assistance Branch 1441 L ST. NW., Washington, D.C. 20416 (202) 653–6078.	Will not have significant economic impact on a substantial number of small entities.	13 CFR 121.3–9(c).	15 U.S.C. 632	Revision of regulations governing eligibility for preferential treatment for purchase of government timber set-asides.	NPRM August 23, 1982—47 FR 36651; NFRM expected fall 1982.
Eligibility Requirements for Certification of Competency Applicants.	Robert J. Moffitt, Director, Office of Industrial Assistance, 1441 L St. Washington, D.C. 20416 (202) 653–7035.	Will not have significant economic impact on a substantial number of small entities.	13 CFR 125.5	15 U.S.C. 637(b)(7).	Revision of the conditions under which SBA will provide a certificate of competency relative to a small concern's ability to perform a government contract.	Interim rule August 12, 1982—47 FR 34972; NFRM expected fall 1982.
Eligibility Requirements to § 8(a) program.	Robert L. Wright Associate Administrator, 1441 L St. NW., Washington, D.C. 20416 (202) 653–6407.	Will not have significant economic impact on a substantial number of small entities.	13 CFR 124.1	15 U.S.C. 632(a).	Priority regulation revision of eligibility criteria for SBA's section 8(a) program.	Interim rule August 12, 1982—47 FR 35754.
Certified Development Company Program.	Alan B. Abraham, Financial Analyst, Office of Lender Relations and Certification, 1441 L St. NW., Washington, D.C. 20416 (202) 653–9181.	Will not have significant economic impact on a substantial number of small entities.	13 CFR 108	15 U.S.C. 687	Revision of criteria for eligibility to be a certified lender.	NPRM May 24, 1982—47 FR 22374.
Size Standard for Purposes of P.L. 97–247.	Harvey Bronstein, 1441 L St. NW., Washington, D.C. 20416 (202) 653–6373.	Will not have significant economic impact on a substantial number of small entities.	13 CFR	Section 3 of P.L. 97–247.	This rule sets forth a size standard for eligibility for preferential treatment under P.L. 97–247.	NPRM August 31, 1982—47 FR 38331.

REVIEWS OF EXISTING REGULATIONS

Title	Agency contact	Effects on small business and other entities	CFR cite	Legal authority	Abstract	Timetable
Business Loan Policy	Edwin T. Holloway, Associate Administrator for Finance and Investment, 1441 L St., N.W., Wash., D.C. 20416 (202) 653–6632.	Will not have significant economic impact on a substantial number of small entities.	13 CFR Parts 122, et seq.	15 U.S.C. 636(a) and 634(b)(6).	Business Loan Policy, miscellaneous revisions based on changes in authorizing legislation.	NPRM fall 1982.
Disaster Loans	Edwin T. Holloway, Associate Administrator for Finance and Investment, 1441 L St., N.W., Wash., D.C. 20416 (202) 653–6632.	Will not have significant economic impact on a substantial number of small entities.	13 CFR Parts 123, et seq.	15 U.S.C. 636(b) and 634(b)(6).	Disaster loans, miscellaneous revisions based on changes in authorizing legislation.	NPRM summer 1982.

REVIEWS OF EXISTING REGULATIONS—Continued

Title	Agency contact	Effects on small business and other entities	CFR cite	Legal authority	Abstract	Timetable
Eligible Loan Participants.	Edwin T. Holloway, Associate Administrator for Finance and Investment, 1441 L St., N.W., Wash., D.C. 20416 (202) 653-6632.	Will not have significant economic impact on a substantial number of small entities.	13 CFR Part 120.4.	15 U.S.C. 636(a) and 634(b)(6).	Eligible loan participants	NPRM fall 1982.
State and Local Development Companies.	Edwin T. Holloway, Associate Administrator for Finance and Investment, 1441 L St., N.W., Wash., D.C. 20416 (202) 653-6632.	Will not have significant economic impact on a substantial number of small entities.	13 CFR Part 108.	15 U.S.C. 501, 502, 503 & 15 U.S.C. 634(b)(6).	State and local development companies, miscellaneous revisions.	NPRM summer 1982.

COMPLETED ACTIONS

Title	Agency contact	CFR cite	Legal authority	Abstract	Timetable
Equal Access to Justice	Martin D. Teckler, 1441 L St., N.W., Wash., D.C. 20416 (202) 653-6662.	13 CFR Part 132		These final regulations implement the Equal Access to Justice Act..	Final rule May 21, 1982, 47 FR 22082.
Business Loans, Export Revolving Line of Credit.	Edwin T. Holloway, 1441 L St., N.W., Wash. D.C. 20416 (202) 653-6632.	13 CFR Part 122		These final rules describe procedures for utilizing SBA's export line of credit program.	Final rule June 3, 1982, 47 FR 24110

[FR Doc. 82-27935 Filed 10-27-82; 8:45 am]

BILLING CODE 8025-01-M

federal register

Thursday
October 28, 1982

Part XXXV

Veterans Administration

Agenda of Federal Regulations

VETERANS ADMINISTRATION

38 CFR Ch. I

41 CFR Ch. 8

Agenda of Federal Regulations

AGENCY: Veterans Administration.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Veterans Administration will have under development, revision and review during the 6-month period from October 24, 1982 through April 21, 1983, the purpose in publishing this agenda is to give public notice of these upcoming regulations to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESS: Except as otherwise listed in the agenda, the address of all agency contacts is: Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: Celia Fasone, Information and Regulations Staff (004A1), (202–389–2308).

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96–354) require that executive agencies publish in the **Federal Register**, in April and October of each year, an agenda of regulations under development and review.

The Veterans Administration has no regulations considered major under the terms of E.O. 12291, however all of this agency's proposed rules and current rules under review have been listed in accordance with Section 5.(a) of the executive order. This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) (Regulatory Flexibility Act).

Pursuant to 5 U.S.C. 603, a Regulatory Flexibility Analysis is under development for §§ 21.1020 through 21.4507 of title 38, CFR. These Veterans Education Assistance regulations will implement provisions of P. L. 96–466, Veterans Rehabilitation and Education Amendments of 1980. These proposed amendments may have an impact on small entities because included in these regulations will be some which will subject some independently owned small schools and school districts, with a population of less than 50,000 to additional recordkeeping or compliance requirements. Public comments are invited on these proposed amendments, as listed in the agenda.

The Veterans Administration has found that all other rules listed in this agenda, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612.

In accordance with OMB Bulletin 82–16, July 22, 1982, this agenda has three categories. Two categories, Current and Project Rulemakings, and Reviews of Existing Regulations, contain the title of the regulation; the name, address and phone number of an agency contact (contact's department or staff office is substituted for their title); indication of effect on small business; CFR cite; legal authority; abstract; and a timetable. Under Current and Projected Rulemakings, several projected rules have not yet been assigned CFR section numbers. In addition, a third category, Completed Actions, is included listing all final or withdrawn rules from April 21, 1982 through September 24, 1982.

This agency has no priority regulations, therefore the regulations are grouped by department and staff office.

Dated: September 24, 1982.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Veterans Administration Unified Agenda of Federal Regulations Current and Projected Rulemakings; October 24, 1982–April 21, 1983

DEPARTMENT OF VETERANS BENEFITS

Outreach Program, Fee Basis/Contract Program

Legal Authority: Pub. L. 96–22.
Small Entity: No.
Agency Contact: Raymond Scurfield, Department of Veterans Benefits, (202) 389–3303.
Timetable: Action: NPRM within 6 months.
Abstract: Provides for fee basis/contract provision of readjustment counseling veterans of the Vietnam Era.

Veterans Education; Educational Assistance Test Program

Legal Authority: Pub. L. 96–342.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable: Action: NPRM within 6 months.
Abstract: VA and DOD are negotiating an agreement which would require VA to administer payments for the Educational Assistance Test Program. These regulations will implement this program.

Veterans Rehabilitation and Education Amendments of 1980

CFR: 38 CFR Part 21.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: J. T. Goetz, Department of Veterans Benefits, (202) 389–2886.
Timetable: Action: NPRM within 6 months.
Abstract: Incorporates provisions of Title 1, Rehabilitation Amendments.

Applications

Legal Authority: Pub. L. 97–66.
Small Entity: No.
Agency Contact: Robert W. Carey, Assistant Director for Insurance VA Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA. 19101, (215) 951–5360.
Timetable: Action: NPRM within 6 months.
Abstract: Provides for a member of the retired reserve of a uniformed service to obtain increased coverage up to a maximum of $35,000 or any lesser amount divisible by $5,000 by properly submitting a written application.

Deductions From Pay

Legal Authority: Pub. L. 97–66.
Small Entity: No.
Agency Contact: Robert W. Carey, Assistant Director for Insurance VA Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA. 19101, (215) 951–5360.
Timetable: Action: NPRM within 6 months.
Abstract: Defines authority of the Secretary of Defense to prescribe regulations for the Secretaries of Military Departments to ensure the proper collection of premiums.

Veterans Education; Additional Period of Eligibility

CFR: 38 CFR 21.1042, 21.1044.
Legal Authority: Pub. L. 97–72.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable: Action: NPRM.
Date: April 20, 1982.
FR Cite: (47 FR 16797).
Abstract: Criteria for providing veterans training under the G.I. Bill with an additional period of eligibility which may be up to 2 years long.

Business Loans

CFR: 38 CFR 36.4700 series.
Legal Authority: Pub. L. 97–72.

Small Entity: No.
Agency Contact: George D. Moerman, Department of Veterans Benefits, (202) 389–3042.
Timetable: Action: NPRM within 6 months.
Abstract: Provides guaranteed or direct loans to certain service-connected disabled veterans and to Vietnam veterans for financing small business concerns.

Fee

CFR: 38 CFR 36.4232, 36.4254, 36.4312, 36.4504.
Legal Authority: Pub. L. 97–253.
Small Entity: No.
Agency Contact: George D. Moerman, Department of Veterans Benefits, (202) 389–3042.
Timetable: Action: NPRM within 6 months.
Abstract: Provides for the collection of a loan fee of 1/2 of 1% of the total loan amount on VA housing loans to certain veterans.

DEPARTMENT OF MEDICINE AND SURGERY

Protection of Patient Rights

CFR: 38 CFR 17.34a.
Legal Authority: Pub. L. 94–581.
Small Entity: No.
Agency Contact: Dorothy Rasinski, M.D., J.D., Department of Medicine and Surgery, (202) 389–3303.
Timetable: Action: NPRM within 6 months.
Abstract: Sets forth specific mimimum substantive and procedural rights to be uniformly afforded patients undergoing treatment in VA Medical Centers.

Medical Care in U.S. for CAV's and New Philippine Scouts

CFR: 38 CFR 17.46a.
Legal Authority: Pub. L. 96–22.
Small Entity: No.
Agency Contact: Gene Lambert, Department of Medicine and Surgery, (202) 389–2143.
Timetable: Action: NPRM within 6 months.
Abstract: Authorizes hospital and nursing home care and medical services in the U.S. for Commonwealth Army Veterans (CAV's) and New Philippine Scouts for treatment of service-connected disabilities.

Class II Dental Benefits

CFR: 38 CFR 17.123(b).
Legal Authority: Pub. L. 97–33.
Small Entity: No.
Agency Contact: Edwin Irish, D.D.S., Department of Medicine and Surgery, (202) 389–2038.
Timetable: Action: NPRM within 6 months.
Abstract: Restricts Class II dental benefits to veterans who were discharged under conditions other than dishonorable from a period of active duty or not less than 180 days.

Dental Care for Former POW's

CFR: 38 CFR 17.123
Legal Authority: Pub. L. 97–37.
Small Entity: No.
Agency Contact: Jerome Hanes, Department of Medicine and Surgery, (202) 389–2337.
Timetable: Action: NPRM within 6 months.
Abstract: Authorizes outpatient dental care for those additional veterans encompassed by the new definition of "Former Prisoner of War".

Ex-POW's Inability To Defray Costs of Hospital Care

CFR: 38 CFR 17.47 (d) and (e).
Legal Authority: Pub. L. 97–37.
Small Entity: No.
Agency Contact: Jerome Hanes, Department of Medicine and Surgery, (202) 389–2337.
Timetable: Action: NPRM within 6 months.
Abstract: Excludes nonservice-connected ex-POW's from the requirement to sign the oath of inability to pay for medical care.

Outpatient Treatment of Ex-POW's

CFR: 38 CFR 17.60(k).
Legal Authority: Pub. L. 97–37.
Small Entity: No.
Agency Contact: Anthony Ranciato, Department of Medicine and Surgery, (202) 389–2851.
Timetable: Action: NPRM within 6 months.
Abstract: Authorizes the Administrator, within the limits of VA facilities, to furnish medical services for any disability on an outpatient or ambulatory basis for ex-POW's.

Outpatient Priority for Ex-POW's

CFR: 38 CFR 17.60g(d).
Legal Authority: Pub. L. 97–37.
Small Entity: No.
Agency Contact: Anthony Ranciato, Department of Medicine and Surgery, (202) 389–2851.
Timetable: Action: NPRM within 6 months.
Abstract: Ex-POW's are provided special priorities for outpatient services ahead of all other nonservice-connected veterans.

Entitlement to Outpatient Care

CFR: 38 CFR 17.123.
Legal Authority: Pub. L. 97–72.
Small Entity: No.
Agency Contact: Jerome Hanes, Department of Medicine and Surgery, (202) 389–2337.
Timetable: Action: NPRM within 6 months.
Abstract: Provides that discharged entlisted personnel need not apply for Class II dental benefits after each period of enlistment.

Veterans Administration and Department of Defense Health Resources Sharing and Emergency Operations Act of 1982

CFR: 38 CFR 17.190.
Legal Authority: Pub. L. 97–174.
Small Entity: No.
Agency Contact: Richard Citron; Department of Medicine and Surgery, (202) 389–3747.
Timetable: Action: NPRM within 6 months.
Abstract: Assigns priority care to active duty personnel of the U.S. Armed Forces in time of war or national emergency.

Consumer-Patient Radiation Health and Safety

Legal Authority: Pub. L. 97–35.
Small Entity: No.
Agency Contact: James Smith, M.D., Department of Medicine and Surgery, (202) 389–3195.
Timetable: Action: NPRM within 6 months.
Abstract: Makes Federal Radiation Guidelines and Standards promulgated by HHS applicable to the provision of VA radiological procedures.

OFFICE OF PROGRAM PLANNING AND EVALUATION

Vietnam Era Veterans' Readjustment Assistance Act of 1974

CFR: 38 CFR 1.230.
Legal Authority: Pub. L. 93–508.
Small Entity: No.
Agency Contact: Fred Humphreys, Office of Program Planning and Evaluation, (202) 389–3283.
Timetable: Action: NPRM within 6 months.
Abstract: General standards for measuring and evaluating the impact of all programs authorized under title 38, U.S.C.

Intergovernmental Review of Federal Programs

Legal Authority: Executive Order 12372.
Small Entity: No.
Agency Contact: Edwin Arnold, Office of Program Planning and Evaluation, (202) 389–2608.
Timetable: Action: NPRM within 6 months.

Abstract: Federal agencies are required to defer to the states' own procedures for developing such recommendations to inform state and local elected officials of proposed Federal actions as early as possible; and where state and local recommendations cannot be accommodated, to explain in a timely fashion. The E.O. also contains provisions to strengthen the authority of state and local elected officials and encourage simplification of state planning requirements imposed by Federal laws.

OFFICE OF BUDGET AND FINANCE

Administrative Control of Funds

CFR: 38 CFR 1.670–1.674.
Legal Authority: 31 U.S.C. 665.
Small Entity: No.
Agency Contact: Dennis Bowser, Office of Budget and Finance, (202) 389–2311.
Timetable: Action: NPRM within 6 months.
Abstract: These regulations will implement provisions of OMB Circular A–34.

EQUAL OPPORTUNITY STAFF

Age Discrimination

Legal Authority: Pub. L. 94–135.
Small Entity: No.
Timetable: Action: NPRM within 6 months.
Abstract: Establish standards for determining what age discrimination is and procedures for enforcing the Act.

Reviews of Existing Regulations; October 24, 1982–April 21, 1983

DEPARTMENT OF MEDICINE AND SURGERY

Medical Records Disclosure

CFR: 38 CFR 1.514.
Legal Authority: Pub. L. 93–282.
Small Entity: No.
Agency Contact: Harold Ramsey, Department of Medicine and Surgery, (202) 389–3294.
Timetable: Action: NPRM within 6 months.
Abstract: Permits medical records disclosure to treating physicians with verified oral consent from the veteran.

Grants to States for Construction of State Home Facilities

CFR: 38 CFR 17.171, 17.173 and Appendix A.
Legal Authority: Pub. L. 96–330.
Small Entity: No.
Agency Contact: Rita Frampton, Department of Medicine and Surgery, (202) 289–3679.
Timetable: Action: Interim Final Rule.
Date: June 28, 1982.
FR Cite: 47 FR 27859.
Abstract: Changes from 2½ to 4 per thousand veterans in a State, the maximum number of beds, as required by 38 U.S.C. 5034(I), to provide adequate nursing home care to veterans residing in each State.

Definitions

CFR: 38 CFR 17.30(w).
Legal Authority: 38 U.S.C. 601(4); Pub. L. 96–151.
Small Entity: No.
Agency Contact: Gene Lambert, Department of Medicine and Surgery, (202) 389–2143.
Timetable: Action: Final Rule within 6 months.
Abstract. Redefines "Veterans Administration facilities" to provide authority to furnish medical services at private facilities for certain veterans receiving housebound or aid and attendance benefits.

Informed Consent

CFR: 38 CFR 17.34.
Legal Authority: Pub. L. 94–581.
Small Entity: No.
Agency Contact: Monica Wilkins, Department of Medicine and Surgery, (202) 389–2179.
Timetable: Action: NPRM within 6 months.
Abstract: Mandates that all patient care be carried out with full and informed consent and clarifies the definition of a patient's representative.

Domiciliary Income Limitation

CFR: 38 CFR 17.48(b)(1).
Legal Authority: Pub. L. 96–330.
Small Entity: No.
Agency Contact: James L. Fozard, M.D., Department of Medicine and Surgery.
Timetable: Action: NPRM with 6 months.
Abstract: To change the current income level of $415 per month by increasing the income limitation to an appropriate level taking into consideration the present Consumer Price Index.

Evidence of Inability to Defray Necessary Expenses

CFR: 38 CFR 17.48(c)(2).
Legal Authority: Pub. L. 96–330.
Small Entity: No.
Agency Contact: Jerome Hanes, Department of Medicine and Surgery, (202) 389–2337.
Timetable: Action: NPRM within 6 months.
Abstract: Provides authority to deny VA medical care on a case-by-case basis, when a determination is made that the individual is able to afford the needed medical care from other than VA sources.

Admission Priorities

CFR: 38 CFR 17.49.
Legal Authority: Pub. L. 96–22.
Small Entity: No.
Agency Contact: Gene Lambert, Department of Medicine and Surgery, (202) 389–2143.
Timetable: Action: Final Rule within 6 months.
Abstract: Defines the admission priority for hospital care for Commonwealth Army Veterans and New Philippine Scouts.

Alcohol and Drug Dependence or Abuse Treatment Rehabilitation

CFR: 38 CFR 17.53a–17.53e.
Legal Authority: 38 U.S.C. 620A, Pub. L. 96–22.
Small Entity: No.
Agency Contact: Stewart Baker, M.D., Department of Medicine and Surgery, (202) 389–5193.
Timetable: Action: Final rule within 2 months.
Abstract: Provides for alcohol or drug abuse care and treatment and rehabilitative services on a contract basis in halfway houses and other community-based treatment facilities.

Medical Care for Survivors and Dependents of Certain Veterans

CFR: 38 CFR 17.54.
Legal Authority: 38 U.S.C. 613, Pub. L. 96–151.
Small Entity: No.
Agency Contact: Harold Ramsey, Department of Medicine and Surgery, (202) 389–2143.
Timetable: Action: NPRM within 6 months.
Abstract: Provides CHAMPVA benefits to surviving spouses or children of a person who died in the active military in the line of duty who are not eligible for CHAMPUS or MEDICARE benefits.

Emergency Outpatient Care

CFR: 38 CFR 17.60b.
Legal Authority: 38 U.S.C. 611, Pub. L. 96–22, Pub. L. 96–128.
Small Entity: No.
Agency Contact: Gene Lambert, Department of Medicine and Surgery, (202) 389–2143.
Timetable: Action: Final Rule within 6 months.
Abstract: Defines authority for furnishing emergency outpatient care to individuals attending national conventions of recognized veterans service organizations.

Priorities for Medical Services

CFR: 38 CFR 17.60(g).
Legal Authority: Pub. L. 96–151.
Small Entity: No.
Agency Contact: Anthony Ranciato, Department of Medicine and Surgery, (202) 389–2851.
Timetable: Action: NPRM within 6 months.
Abstract: Defines the outpatient priority category for compensation and pension examinations.

Charges for Emergency Services

CFR: 38 CFR 17.62(h).
Legal Authority: 38 U.S.C. 629, Pub. L. 97–72.
Small Entity: No.
Agency Contact: Ann McPherson, Department of Medicine and Surgery, (202) 389–2337.
Timetable:
Action: NPRM.
Date: August 12, 1982.
FR CITE: 47 FR 35013.
Abstract: Provides for reimbursement for emergency services provided to individuals other than eligible veterans attending national conventions of recognized veterans service organizations.

Amount of Aid Payable

CFR: 38 CFR 17.166c.
Legal Authority: Pub. L. 96–151.
Small Entity: No.
Agency Contact: Gene Lambert, Department of Medicine and Surgery, (202) 389–2143.
Timetable: Action: Final Rule within 6 months.
Abstract: Amends the published per diem rates payable to a recognized state home for domiciliary care, nursing home care, and for hospital care furnished to eligible veterans.

OFFICE OF THE GENERAL COUNSEL

Licensing of Government-Owned Inventions

CFR: 38 CFR 1.666
Legal Authority: 35 U.S.C. 208; E.O. 10096.
Small Entity: No.
Agency Contact: Neal C. Lawson, Office of the General Counsel, (202) 389–3294.
Timetable: Action: NPRM within 6 months.
Abstract: Establishes that the National Technical Information Service (NTIS) of the Dept. of Commerce will, in addition to HHS, be responsible for licensing certain inventions owned by the VA.

Delegation of Authority

CFR: 38 CFR 2.6
Legal Authority: 38 U.S.C. 212(a)
Small Entity: No.
Agency Contact: Audley Hendricks, Office of the General Counsel, (202) 389–5030.
Timetable: Action: NPRM within 6 months.
Abstract: Increased claims authority and shift of responsibility.

Procedure Where Violation of Penal Statutes is Involved

CFR: 38 CFR 14.560
Legal Authority: 38 U.S.C. 210(c)(1)
Small Entity: No.
Agency Contact: Audley Hendricks, Office of the General Counsel, (202) 389–5035.
Timetable: Action: NPRM within 6 months.
Abstract: Changes the VA's process for referring matters involving violations of penal laws to the Department of Justice.

Recognition of Organizations, Representatives, Agents and Attorneys

CFR: 38 CFR 14.627 through 14.634, and 14.664
Legal Authority: 38 U.S.C. 210(c)(1), 3402 and 3404
Small Entity: No.
Agency Contact: Ed Lukey, Office of the General Counsel, (202) 389–2440.
Timetable: Action: NPRM within 6 months.
Abstract: Includes definitions; requirements for recognition of organizations by the VA; withdrawal of recognition; requirements for recognition of representatives, agents and attorneys; powers of attorneys; letters of recognition; termination of recognition; fees and expenses and delegation of claims authority and shift of responsibility.

DEPARTMENT OF MEMORIAL AFFAIRS

Disinterments from National Cemeteries

CFR: 38 CFR 1.621
Legal Authority: 38 U.S.C. 210(c)(1), 1004
Small Entity: No.
Agency Contact: Sonja McCombs, Department of Memorial Affairs, (202) 389–2987.
Timetable:
Action: NPRM
Date: June 2, 1982.
FR Cite: 47 FR 23954
Abstract: Requirements for requests for disinterments from National Cemeteries.

OFFICE OF BUDGET AND FINANCE

Debt Procedures

CFR: 38 CFR 1.911, 1.912, 1.955, 1.966 and 1.967.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: Peter Mulhern, Office of Budget and Finance, (202) 389–3405.
Timetable:
Action: NPRM.
Date: December 23, 1981.
FR Cite: 46 FR 62296.
Abstract: Includes demand for payment of debts, procedure for indebtedness notification, offset, Committees on Waivers and Compromises, and refunds.

BOARD OF VETERANS APPEALS

General Appellate Regulations and Rules of Practice

CFR: 38 CFR 19.1–19.5 and 19.101–19.156.
Legal Authority: 38 U.S.C. 210(c)(1).
Small Entity: No.
Agency Contact: Jan Donsbach, Board of Veterans Appeals, (202) 389–2978.
Timetable:
Action: NPRM.
Date: August 20, 1980.
RF Cite: 45 FR 56093.
Abstract: General appellate jurisdiction, subject matter of appeals, disclosure of information, restrictions on payments. Rules of practice for the Board of Veterans Appeals.

DEPARTMENT OF VETERANS BENEFITS

Payment of Burial Expenses of Deceased Veterans

CFR: 38 CFR 1.600.
Legal Authority: Pub. L. 97–35.
Small Entity: No.
Agency Contact: Robert M. White, Department of Veterans Benefits, (202) 389–3005.
Timetable: Action: NPRM within 6 months.
Abstract: Implements provisions of Pub. L. 97–35, which restricts payment of the burial allowance to veterans in receipt of compensation at time of death.

Definitions

CFR: 38 CFR 3.1(z).
Legal Authority: Pub. L. 97–37.
Small Entity: No.
Agency Contact: Robert M. White, Department of Veterans Benefits, (202) 389–3005.
Timetable: Action: NPRM.
Abstract: Definition of the term "nursing home" added to provide precise standard for benefit determination.

Disease Subject to Presumptive Service Connection

CFR: 38 CFR 3.309.

Legal Authority: 38 U.S.C. 210(c)(1).
Small Entity: No.
Agency Contact: Robert M. White, Department of Veterans Benefits, (202) 389–3005.
Timetable: Action: NPRM within 6 months.
Abstract: Amendment to remove a perceived discretionary tone in the current regulation by directing the grant of service connection for the stated disabilities when all prerequisites are met.

Optional Insurance Settlements

CFR: 38 CFR 6.64, 6.65, 6.68, 8.77, 8.79, 8.80, 8.80c, 8,81.
Legal Authority: Pub. L. 97–66.
Small Entity: No.
Agency Contact: Robert W. Carey, Assistant Director for Insurance, VA Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA. 19101, (215) 951–5360.
Timetable: Action: NPRM within 6 months.
Abstract: In the case of insurance maturing after Sept. 30, 1981 and for which no option has been elected by the insured, the beneficiary may elect to receive payment in one lump sum.

Insurance Amendments

CFR: 38 CFR 9.2, 9.4, 9.6, 9.8, 9.16, 9.22, 9.24, 9.27 and 9.36.
Legal Authority: Pub. L. 97–66.
Small Entity: No.
Agency Contact: Robert W. Carey, Assistant Director for Insurance, VA Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA. 19101, (215) 951–5360.
Timetable: Action: NPRM within 6 months.
Abstract: Reflects changes concerning effective dates, amount of insurance under SGLI and VGLI, waiver of reduction of coverage, restoration of coverage, beneficiaries and options, administrative divisions, termination of coverage, health standards, and Veterans Group Life Insurance.

Vocational Rehabilitation Amendments

CFR: 38 CFR 21.50–21.96.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: Jeff Goetz, Department of Veterans Benefits, (202) 389–2886.
Timetable:
Action: NPRM.
Date: September 15, 1982.
FR Cite: 47 FR 40650.
Abstract: Implements provision requiring comprehensive evaluation of the veteran's situation as a basis for determining eligibility and entitlement to assistance, preparing an Individualized Written Rehabilitation Plan, limitations on the duration of rehabilitation programs and the role of the Vocational Rehabilitation Panel in assisting seriously disabled veterans.

Vocational Rehabilitation Amendments

CFR: 38 CFR 21.100–21.102, 21.118–21.134, 21.140–21.158, 21.160–21.162, 21.210–21.232, 21.240–21.249, 21.250–21.259, 21.380–21.406.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: Jeff Goetz, Department of Veterans Benefits, (202) 389–2886.
Timetable: Action: NPRM within 6 months.
Abstract: These sections implement provisions covering counseling, educational and vocational services, special rehabilitation services, independent living services, supplies, medical services and employment services for veterans being provided training and rehabilitation. Implements provision for personnel training and staff development, rehabilitation research and the role of the Veterans Advisory Committee on Rehabilitation.

Vocational Rehabilitation Amendments

CFR: 38 CFR 21.180–21.198, 21.280–21.288, 21.290–21.299, 21.360–21.364, 21.370–21.378, 21.410–21.416.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: Jeff Goetz, Department of Veterans Benefits, (202) 389–2886.
Timetable: Action: NPRM within 6 months.
Abstract: These sections implement provisions covering case status, entrance into rehabilitation, course and facility approval, satisfactory conduct and cooperation, administrative procedures, and inter- and intra-regional travel of veterans.

Vocational Rehabilitation Amendments

CFR: 38 CFR 21.260–21.276, 21.310–21.314, 21.320–21.334 and 21.340–21.350.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: Jeff Goetz, Department of Veterans Benefits, (202) 389–2886.
Timetable: Action: NPRM within 6 months.
Abstract: These sections implement provisions covering payment of monthly living allowances to veterans in a rehabilitation program, the rate of pursuit of a rehabilitation program, authorization and award of allowance payments, and leaves of absence.

Veterans Education; Program of Education

CFR: 38 CFR 21.4230.
Legal Authority: 15 U.S.C. 636.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable:
Action: NPRM.
Date: June 7, 1982.
FR Cite: 47 FR 24603.
Abstract: Corrects an incorrect reference to title 42, U.S.C. which is now contained in the regulation.

Veterans Education; Pro-Rata Refund

CFR: 38 CFR 21.3046, 21.4254, 21.4255.
Legal Authority: Pub. L. 97–66.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable:
Action: NPRM.
Date: May 5, 1982.
FR Cite: 47 FR 19380.
Abstract: Implements those sections of Pub. L. 97–66 which affect chapters 34, 35 and 36 of title 38 U.S.C. This includes liberalizing eligibility requirements for surviving spouses, and permitting approval of some courses offered by nonaccredited schools even though they do not have a pro-rata refund policy.

Veterans Education; Implementation of the Budget Reconciliation Act

CFR: 38 CFR 21.4136, 21.4137, 21.4232 and 21.4503.
Legal Authority: Pub. L. 97–253.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable: Action: NPRM within 6 months.
Abstract: Implements those portions of the Budget Reconciliation Act which affect training under chapter 34, title 38, U.S.C.

Veterans Education; 24-month Service Requirement

CFR: 38 CFR 21.1021.
Legal Authority: Pub. L. 97–66.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable: Action: NPRM within 6 months.
Abstract: Implements those portions of Pub. L. 97–66 which require some Vietnam Era veterans to serve 24 months on active duty before they can receive benefits under the G.I. Bill.

Veterans Education; Education Assistance

CFR: 38 CFR 21.1020–21.4507.
Legal Authority: Pub. L. 96–466.
Small Entity: Yes.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable: Action: NPRM within 6 months.
Abstract: This proposal will amend and augment CFR sections in order to implement provisions of Pub. L. 96–466 which affect these regulations and to make other technical changes.

Veterans Education; DOD Funding

CFR: 38 CFR 21.5054, 21.5132 and 21.5138.
Legal Authority: 38 U.S.C. 1631, Pub. L. 96–466.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable:
Action: NPRM.
Date: July 6, 1982.
FR Cite: 47 FR 29269.
Abstract: States that DOD instead of VA will fund training under VEAP that takes place after December 31, 1981.

Veterans Education; SAA Contracts

CFR: 38 CFR 21.4154.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092
Timetable: Action: NPRM within 6 months.
Abstract: Reduces the amount of information required of State Approving Agencies in their reports to the VA, and changes the frequency of the reports from quarterly to monthly.

Veterans Education; Certifications of Enrollment

CFR: 38 CFR 21.4137, 21.4203 and 21.4204.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable: Action: NPRM within 6 months.
Abstract: Limits certifications of enrollment to one term, quarter or semester at a time.

Veterans Education; Monthly Certifications of Attendance

CFR: 38 CFR 21.4203, 21.4204, 21.4205.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable: Action: NPRM within 6 months.
Abstract: Requires monthly certifications of attendance in courses not leading to a standard college degree.

Veterans Education; Course Suspensions

CFR: 38 CFR 21.4134.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092
Timetable: Action: NPRM within 6 months.
Abstract: Limits the VA's authority to suspend payments to veterans and eligible persons who are enrolled in approved courses.

Veterans Education; Change in the Number of Dependents

CFR: 38 CFR 21.4131 and 21.4135.
Legal Authority: Pub. L. 97–253.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable: Action: NPRM within 6 months.
Abstract: Implements those provisions of the Omnibus Budget Act of 1982 which affect the effective dates for increases and decreases in awards of educational assistance allowance due to changes in the number of a veteran's dependents.

Veterans Education; Matriculation

CFR: 38 CFR 21.4252.
Legal Authority: 38 U.S.C. 1652, Pub. L. 96–466.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092
Timetable:
Action: NPRM.
Date: July 6, 1982.
FR Cite: 47 FR 29267.
Abstract: Requires matriculation in some instances before a veteran or eligible person can receive educational assistance allowance.

Refinancing Loan Discount Points and Automatic Closing of Refinancing Loans

CFR: 38 CFR 36.4306, 36.4306a and 36.43112.
Legal Authority: 38 U.S.C. 1803(c)(3).
Small Entity: No.
Agency Contact: George D. Moerman, Department of Veterans Benefits, (202) 389–3042.
Timetable: Action: NPRM within 6 months.
Abstract. Authorizes lenders to set discount points on refinancing loan at time of closing using an approved index and to allow closing of refinancing loans on the automatic basis.

Suspension of Program Participants Based on Criminal Conviction and Suspension of Lender's Employees

CFR: 38 CFR 36.4216, 36.4235, 36.4331, 36.4341 and 36.4361.
Legal Authority: 38 U.S.C. 1804 (b) and (d), 1819(g).
Small Entity: No.
Agency Contact: George D. Moerman, Department of Veterans Benefits, (202) 389–3042.
Timetable: Action: NPRM within 6 months.
Abstract. Provides for suspension of program participants with no right to an administrative hearing if the person is convicted of a housing program crime and to provide for suspension of any lender's employee involved in program fraud.

OFFICE OF PROCUREMENT AND SUPPLY

Consulting and Related Services

CFR: 41 CFR 8–4.8 and 8–75.2
Legal Authority: 38 U.S.C. 210(c); 40 U.S.C. 486(c).
Small Entity: No.
Agency Contact: Chris Figg, Office of Procurement and Supply, (202) 389–2856.
Timetable: Action: Final Rule within 6 months.
Abstract. Clearly limits the use of letters of agreement, both as to when and how it can be used and by whom.

Special Procurement Controls

CFR: 41 CFR 8–74.1
Legal Authority: 38 U.S.C. 210(c); 40 U.S.C. 486(c).
Small Entity: No.
Agency Contact: Chris Figg, Office of Procurement and Supply, (202) 389–2856.
Timetable: Action: Final Rule within 6 months.
Abstract. Eliminates the need for instructors to provide an affidavit to the United States.

Unsolicited Proposals

CFR: 41 CFR 8–4.9.
Legal Authority: 38 U.S.C. 210(c); 40 U.S.C. 486(c).
Small Entity: No.
Agency Contact: David Derr, Office of Procurement and Supply, (202) 389–2334.
Timetable: Action: Final Rule within 6 months.
Abstract. Prescribes policy and procedures for processing unsolicited proposals within the Veterans Administration.

Special Procuremrnt Controls

CFR: 41 CFR 8–74.1.

Legal Authority: 38 U.S.C. 210(c); 40 U.S.C. 486(c).

Small Entity: No.

Agency Contact: Thomas Hamilton, Office of Procurement and Supply, (202) 389–2334.

Timetable: Action: Final rule within 6 months.

Abstract: Rescinds the VA Special Procurement Controls for air-conditioning equipments.

Procurement Responsibility and Authority

CFR: 41 CFR 8–1.4.

Legal Authority: 38 U.S.C. 210(c); 40 U.S.C. 486(c).

Small Entity: No.

Agency Contact: Thomas Hamilton, Office of Procurement and Supply, (202) 389–2334.

Timetable: Action: Final rule within 6 months.

Abstract: Raises threshold level from $50,000 to $100,000 for mandatory technical reviews on 8(a) set-aside contracts.

Terms of Payment

CFR: 41 CFR 8–1.50.

Legal Authority: 38 U.S.C. 210(c); 40 U.S.C. 486(c).

Small Entity: No.

Agency Contact: David Derr, Office of Procurement and Supply, (202) 389–2334.

Timetable: Action: Final Rule within 6 months.

Abstract: Prescribes procedures for establishing expeditious payment arrangements for small business concerns requesting such arrangements.

COMPLETED ACTIONS

[Apr. 21, 1982–Sept. 24, 1982]

Title	Contact	Cite	Action
41 CFR 8–3.204: Personal or Professional Services	David Derr, (202) 389–2334	(47 FR 18866) May 3, 1982	Final rule.
38 CFR 3.1612: Allowance in Lieu of Headstone	T.H. Spindle, (202) 389–3005	(47 FR 19131) May 4, 1982	Final rule.
41 CFR 8–3 Procurement by Negotiation	David Derr, (202) 389–2334	(47 FR 33694) Aug. 4, 1982	Final rule.
38 CFR 36.4214, 4311, 4503: Decrease in Interest Rates	George D. Moerman, (202) 389–3042	(47 FR 35190) Aug. 13, 1982	Final rule.
38 CFR 3.7: Veterans Benefits; Active Duty	Robert M. White, (202) 389–3005	(47 FR 29530) July 7, 1982	Final rule.
38 CFR 21.5137: Veterans Education; Flight Training	June C. Schaeffer, (202) 389–2092	(47 FR 30247) July 13, 1982	Final rule.
38 CFR 21.5135: Veterans Education; Advance Payments	June C. Schaeffer, (202) 389–2092	(47 FR 32527) July 28, 1982	Final rule.
38 CFR 3.23–3.26, 3.262: Pension Rates	T.H. Spindle, (202) 389–3005	(47 FR 20767) May 14, 1982	Final rule.
38 CFR 3.12a, 3.350, 3.551, 3.650, 3.653: Veterans Benefits; Adjudication.	T.H. Spindle, (202) 389–3005	(47 FR 24549) June 6, 1982	Final rule.
41 CFR 8–4 and 8–4: Consulting and Related Svcs.; Delegation of Authority.	Tim Ganous, (202) 389–5465	(47 FR 25525) June 14, 1982	Final rule.
41 CFR 8–2.2, 8–2.4 8–2.5: Advertising	Chris Figg, (202) 389–2334	(47 FR 26127) June 17, 1982	Final rule.
38 CFR 3.205, 3.209, 3.210: Veterans Benefits; Marriage and Birth.	T.H. Spindle, Jr., (202) 389–3005	(47 FR 28096) June 29, 1982	Final rule.
38 CFR 6.128, 8.54, 8.59: USGLI and NSLI Payments	Robert W. Carey, (215) 951–5360	(47 FR 28371) June 30, 1982	Final rule.
38 CFR 36.4411: Loan Guaranty	Lyman T. Miller, (202) 389–2691	(47 FR 29230) July 6, 1982	Final rule.
38 CFR 3.1(y): Definition of "Former Prisoner of War"	Robert M. White, (202) 389–3005	(47 FR 38121) Aug. 30, 1982	Final rule.
38 CFR 36.4212, 4311, 4503: Decrease in Interest Rates	George D. Moerman, (202) 389–3042	(47 FR 38122) Aug. 30, 1982	Final rule.
38 CFR 1.526, 1.555, 1.579: Fees	Neal C. Lawson, (202) 389–3294	Sept. 15, 1982	Withdrawn: Material may be substantially affected by legislation currently pending in Congress.

[FR Doc. 82–28066 Filed 10–27–82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXXVI

Civil Aeronautics Board

Unified Agenda of Federal Regulations

CIVIL AERONAUTICS BOARD

14 CFR Ch. II

Unified Agenda of Federal Regulations

AGENCY: Civil Aeronautics Board.

ACTION: Publication of Unified Agenda of Federal Regulations.

SUMMARY: As part of its implementation of the Regulatory Flexibility Act, Pub. L. 96–354, and in accordance with the policy announced in OMB Bulletin 82–16, the CAB publishes its semiannual Unified Agenda of Federal Regulations.

DATE: Adopted: September 14, 1982.

ADDRESSES: Copies of the rulemaking documents listed in this agenda can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428; (202) 673–5432. Each document should be identified by the designation appearing in parentheses after the **Federal Register** citation. Persons wishing to be placed on a mailing list for future editions of this agenda should send a postcard request to the Distribution Section at the above address.

FOR FURTHER INFORMATION CONTACT: About a specific rulemaking action listed in this agenda—the contact person listed below. About this agenda—Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: The Board is publishing this Unified Agenda of Federal Regulations in accordance with the Regulatory Flexibility Act, Pub. L. 96–345, and the policy announced in OMB Bulletin 82–16, issued on July 22, 1982. The next agenda will be published in April 1983, as provided in the Regulatory Flexibility Act. The Board's previous agenda appears at 47 FR 21069, May 17, 1982.

This agenda is divided into two main categories, *Rules Under Development* and *Existing Rules under Review*, and an Appendix. An action to amend an existing part of the Code of Federal Regulations is not necessarily listed as an existing rule under review. If it does not involve a reexamination of the basic policy and purpose of that part, it is listed as a rule under development. Entries in *Rules Under Development* are listed with a letter prefix indicating the subject areas: A—Small Community Air Service Program; B—Fares, Rates, and Tariffs; C—Charters; and D—Miscellaneous. Each rulemaking included in *Existing Rules Under Review* is listed according to the CFR part it would primarily affect, with a numerical suffix to distinguish it from other rulemakings that are listed under the same part. The Appendix lists any rulemaking that appeared in the previous agenda and has since been completed or terminated. Item [C12.] in the appendix, however, did not appear in the last Agenda because the proceeding was not begun until August, 1982.

For each rulemaking action listed in this agenda, the following information is set out: title; the name, office abbreviation, and telephone number of a knowledgeable Board official to contact for further information; action schedule; description and authority. For each proceeding in which a notice of proposed rulemaking has been issued, a scheduled completion date is listed. Addresses for all contact persons are Civil Aeronautics Board, Washington, D.C. 20428. Unless otherwise noted, the legal authority for a rulemaking action is the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978 and the International Air Transportation Competition Act.

The only rules that the Regulatory Flexibility Act requires agencies to include in their agendas are those that are "likely to have a significant economic impact on a substantial number of small entities." This agenda is more inclusive, listing all significant Board rulemaking activity. The following items appear to meet the statutory criterion: A2, A4, A5, A6, B1, B2, B4, B5, B13, C10, D26, D32, 211–1, 217–1, 221–2, 241–5, 241–6, 241–8, 291–1, 293–1, 298–3, 298–8 and 389–1. We have not made this determination in cases where a notice of proposed rulemaking was issued before January 1, 1981, because the regulatory flexibility analysis requirements do not apply to those proceedings.

None of the rulemaking included in this agenda is "major" within the meaning of E.O. 12291, and the Board does not plan to perform any formal Regulatory Impact Analyses. Each rulemaking, however, undergoes an analysis of benefits, costs, and alternatives, in a degree of detail and formality that is commensurate with the importance of the rule. The Board also retains the discretion to prepare a formal Regulatory Impact Analysis on any rulemaking.

Statements in the action schedule column that a notice or advance notice of proposed rulemaking is in preparation indicate that the staff is preparing a draft for Board action. They do not imply that the proposal will necessarily be issued, that the Board has endorsed the substance of the proposal, or that the petition (if any) prompting the rulemaking activity will necessarily be granted. Scheduled completion dates are estimates only, and so do not bind the Board or indicate that a final rule will necessarily be adopted.

Although this agenda is intended to list all significant Board regulations that are under development or review, it is not a complete guide to all significant rulemaking activity for the 6 months until publication of the next agenda. First, new rulemaking actions may arise and be completed between now and then. Second, we may have inadvertently omitted one or more items. Any such omission shall not preclude the Board from taking action on the item, and shall not be a ground for judicial review of the rule.

Abbreviations Used in This Agenda

"Act" means the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1301 *et seq.*, including amendments made by the Deregulation Act and the International Air Transportation Competition Act, Pub. L. 96–192, 94 Stat. 35.

"Deregulation Act" means the Airline Deregulation Act of 1978, Pub. L. 95–504, 92 Stat. 1705.

"CFR" means Code of Federal Regulations.

"FR" means Federal Register.

"ANPRM" means advance notice of proposed rulemaking.

"NPRM" means notice of proposed rulemaking.

Office abbreviations:

BCAA—Bureau of Carrier Accounts and Audits
OCCCA—Office of Congressional, Community and Consumer Affairs
BDA—Bureau of Domestic Aviation
BIA—Bureau of International Aviation
OC—Office of Comptroller
OEA—Office of Economic Analysis
OGC—Office of the General Counsel

ER–, EDR–, SPR–, SPDR–, and similar designations appearing in parentheses after a **Federal Register** citation are the Board's internal designations for final rules and proposed rules. Using these designations, interested persons can obtain copies of documents from the Distribution Section at the address listed above. The Distribution Section will also establish and maintain a list of persons wishing to receive copies of future agendas.

Accordingly, the Civil Aeronautics Board publishes the attached Agenda of Significant Regulations under Development or Review.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

RULES UNDER DEVELOPMENT

Contact person	Action schedule	Description
	A. Small Community Air Service Program	
	A1. ESSENTIAL AIR SERVICE SUBSIDY GUIDELINES (PROPOSED 14 CFR PART 271)	
John R. Hokanson, BDA, 202-673-5368, or David Schaffer, OGC, 202-673-5442.	NPRM, 45 FR 83254, December 18, 1980 (EDR-415, Docket 39041). Comment period closed February 17, 1981. Scheduled for completion: June 1983.	The Board provides subsidy to airlines to ensure that small communities receive essential air service at a level determined in accordance with 14 CFR Part 398. This rule would implement section 419(d) of the Act, which directs the Board to establish guidelines for computing the fair and reasonable amount of compensation necessary to guarantee that level of service. 49 U.S.C. 1389.
	A2. ESSENTIAL AIR SERVICE SUBSIDY PROCEDURES (PROPOSED 14 CFR PART 326)	
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	The Board pays a subsidy to airlines for providing essential air service to small communities. This rule would establish when the rate conference with the airline is held, what happens at the end of the airline's rate term, and other procedural matters involved in setting subsidy rates. 49 U.S.C. 1389.
	A3. OBLIGATION OF CARRIERS TO PROVIDE ADEQUATE SERVICE AT ELIGIBLE POINTS (14 CFR PART 398)	
David Schaffer, OGC, 202-673-5442.	NPRM 45 FR 67357, October 10, 1980 (PSDR-68, Docket 38807). Comment period closed December 9, 1980. Scheduled for completion: August 1983.	The Board has set essential air service levels under section 419 of the Act for eligible points (small communities). Some of these points are being served by air carriers that are not providing the required level of service. This rule would establish a new policy under which the Board would rely on the "adequate service" provision of section 404(a) of the Act as authority to order these carriers to provide adequate (*i.e.*, essential) service at points they now serve. 49 U.S.C. 1374, 1389.
	A4. BUMPING OF SUBSIDIZED CARRIERS AT SMALL COMMUNITIES (14 CFR PART 326)	
David Schaffer, OGC, 202-673-5442.	NPRM 47 FR 37914, August 27, 1982 (PDR-81, Docket 40916). Comment period closes: October 12, 1982. Scheduled for completion: December 1982.	Section 419 of the Act permits any carrier, after January 1, 1983, to file an application with the Board seeking to have the subsidy that is paid to another carrier paid to it instead. This rule would establish procedures to be followed by the applicant, the incumbent carrier, and the Board. 49 U.S.C. 1389.
	A5. POLICY ON OVERFLIGHTS AT ESSENTIAL AIR SERVICE POINTS (14 CFR PART 398)	
David Schaffer, OGC, 202-673-5442.	NPRM 47 FR 21271, May 18, 1982 (PSDR-77, Docket 40620). Comment period closed July 16, 1982. Scheduled for completion: January 1983.	This rule would prohibit an air carrier from refusing to land at an eligible point for which the Board has issued an essential air service determination, except in specified circumstances. 49 U.S.C. 1389.
	A6. TERMINATION NOTICES FOR CERTIFICATED CARRIERS (14 CFR PART 323)	
David Schaffer, OGC, 202-673-5442, or Peter Bloch, BDA 202-673-5345.	NPRM 47 FR 27081, June 23, 1982 (PDR-78, Docket 40757). Comment period closed August 23, 1982. Scheduled for completion: March 1983.	By PR-244, the Board changed its notice requirements for certificated carriers that wanted to terminate service to eligible points. The Board eliminated some notices but continued to require notice before a certificated carrier terminated or reduced service so as to leave an eligible point (1) without essential service, (2) without any other certificated carrier, (3) with only one certificated carrier, or (4) with a 33 percent reduction in available capacity. A recent decision by the U.S. Court of Appeals for the District of Columbia has cast doubt on the Board's authority to require some of these notices, particularly the fourth one. This rulemaking proceeding examines whether and how the fourth notice should be modified or eliminated. 49 U.S.C. 1371, 1389.
	B. Fares, Rates, and Tariffs	
	B1. CONDITIONS OF CARRIAGE (14 CFR 221, 250, 296; PROPOSED 14 CFR PART 255)	
Joanne Petrie, OGC 202-673-5442.	NPRM 45 FR 25817, April 16, 1980 (EDR-396 Docket 38021). Comment period closed August 15, 1980. Reply comment period closed September 3, 1980. NPRM, 45 FR 42629, June 25, 1980 (EDR-404, Docket 38348). Comment period closed September 3, 1980. Reply comment period closed September 23, 1980. Supplemental NPRM, 46 FR 35936, July 13, 1981 (EDR-404B,, Docket 38348). Comment period closed September 9, 1981. Reply comment period closed September 28, 1981. Supplemental NPRM, 46 FR 43057, August 6, 1981. (EDR-404E, Docket 38348). Comment period closed September 28, 1981. Scheduled for completion: December 1982.	Contracts between airlines and their passengers are governed by tariffs, which are filed with the Board and available for inspection at airline ticket offices. Although tariffs are complicated and relatively inaccessible documents, passengers are presumed to have read them and consented to their terms and conditions. The proposed rule, which consolidates a number of different rulemakings, presents two alternatives. The first would prohibit airlines from enforcing tariff provisions against passengers unless the airlies make available to passengers a "plain English" notice of the terms and conditions of the contract. In addition it would simplify the requirements that airlines disclose certain information to consumers on assengers' tickets and counter signs. The second option would eliminate domestic rules tariffs as well as most Board-prescribed notices. Without the protection of tariffs, carriers would have to give passengers actual notice of the conditions of carriage. In order to give maximum flexibility, and because the conditions of carriage will vary among carriers, the Board under this option would eliminate the requirement that carriers post most Board-prescribed notices. 49 U.S.C. 1324, 1372, 1373, 1374, 1381, 1386, 1481, 1482.
	B2. ELIMINATION OF MANDATORY JOINT FARES (14 CFR PART 399)	
Joanne Petrie, OGC, 202-673-5442, or Julien Schrenk, BDA, 202-673-5298.	NPRM, 46 FR 29719, June 3, 1981 (PSDR-70, Docket 38385). Comment period closed July 31, 1981. Reply comment period closed September 3, 1981. Scheduled for completion: December 1982.	The mandatory joint fare requirements established in the *Domestic Passenger Fare Investigation* will end by January 1, 1983, with the end of the Board's jurisdiction over domestic passenger fares. The Board issued a proposal on its own initiative and in response to a petition filed by American Airlines to change the joint fare requirements in 1 of 3 ways. The Board is considering eliminating the system in some or all markets, or making interlining mandatory upon request. 49 U.S.C. 1374, 1484, 1601.

RULES UNDER DEVELOPMENT—Continued

Contact person	Action schedule	Description
	B4. EXTENSION OF FARE FLEXIBILITY TO MICRONESIA (14 CFR PART 399)	
Joanne Petrie, OGC, 202-673-5442.	NPRM, 46 FR 29727, June 3, 1981 (PSDR-71, Docket 38975). Comment period closed July 30, 1981. Scheduled for completion: December 1982.	In response to a petition filed by Air Micronesia and Continental Air Lines, the Board proposed to extend upward flexibility of 30 percent above the standard industry fare level (SIFL), and unlimited downward flexibility for passenger fares in and to Micronesia and American Samoa. 49 U.S.C. 1302, 1386, 1482.
	B5. INTERNATIONAL CARGO RATE FLEXIBILITY (14 CFR PART 399)	
Joseph A. Brooks, OGC, 202-673-5442.	NPRM, 45 FR 3594, January 19, 1980 (PSDR-65, Docket 37444). Comment period closed April 9, 1980. Oral argument held July 15, 1980. Comment period reopened, 46 FR 34347, July 1, 1981 (PSDR-65C). Comment period closed July 23, 1981. Scheduled for completion: November 1982.	This rule would establish a policy of not reviewing international cargo rate changes for economic justification if the changes were below a prescribed ceiling, except in extraordinary circumstances. The ceiling would be set initially at the October 1, 1979, rate levels for general commodity rates, and would be periodically adjusted for operating cost increases. P.L. 96-192, 49 U.S.C. 1302, 1386.
	B7. STANDARD FOREIGN FARE LEVEL METHODOLOGY (14 CFR PART 399)	
Julien Schrenk, BDA, 202-673-5298.	ANPRM, 46 FR 29285, June 1, 1981 (PSDR-72, Docket 39635). Comment period closed July 10, 1981. Reply comment period closed July 30, 1981. Scheduled for completion: December 1982.	This notice solicited comments on the Board's current methodology employed in adjusting the standard foreign fare level (SFFL) for airlines' cost changes, and, additionally, which SFFL adjustments should be utilized for transborder operations. 49 U.S.C. 1302, 1372, 1373, 1376, 1377, 1386, 1482.
	B9. CHANGES TO DOMESTIC TARIFF RULES AFTER JANUARY 1, 1983 (14 CFR PART 221)	
Joseph A. Brooks, OGC, 202-673-5442.	NPRM in preparation	Airlines may not file tariffs concerning interstate and overseas air transportation to be provided on or after January 1, 1983. The Board is examining its rules to determine what conforming changes need to be made. P.L. 95-504; 49 U.S.C. 1601.
	B10. HAWAIIAN JOINT FARES (14 CFR PART 399)	
Joanne Petrie, OGC, 202-673-5442, or Lawrence Myers, OGC, 202-673-5205.	Supplemental NPRM, 47 FR 18913, May 3, 1982 (PSDR-75A, Docket 38585). Comment period closed: June 24, 1982. Scheduled for completion: December 1982.	The Board is proposing to require certain airlines to provide interline service in Hawaii until the end of 1982, to aid in the transition to domestic fare deregulation. This notice supplements the issues addressed in item B2 of this agenda. 49 U.S.C. 1374, 1482.
	B11. INCORPORATION BY REFERENCE IN CONTRACTS OF CARRIAGE AFTER THE SUNSET OF DOMESTIC TARIFFS	
Joseph A. Brooks, OGC, 202-673-5442.	NPRM, 47 FR 28681, July 1, 1982 (EDR-444, Docket 40772). Comment period closed: August 2, 1982. Reply comment period closed: August 16, 1982. SNPRM, 47 FR 33713, August 4, 1982 (EDR-444A). Comment period closed: August 16, 1982. SNPRM, 47 FR 34795, August 11, 1982 (EDR-444B). Comment period closed: September 7, 1982.	The Board is considering a rulemaking to establish uniform procedures for notice about terms that are incorporated by reference in air passenger contracts of carriage. Many terms and conditions are now incorporated in the contract of carriage by means of tariff filings with the Board, but tariffs will not be filed for domestic air transportation provided on or after January 1, 1983. 49 U.S.C. 1374, 1381.
	B12. PAYMENTS TO INDIRECT CARGO CARRIERS (14 CFR 296, 297)	
Joanne Yancey Hitchcock, OGC, 202-673-5442.	NPRM, 47 FR 633, January 6, 1982 (EDR-437, Docket 40320). Comment period closed: March 8, 1982. Scheduled for completion: December 1982.	This rule would motify the Board's rules on indirect cargo air carriers, foreign air freight forwarders, and foreign cooperative shippers associations, to allow direct air carriers to pay fees to the indirect carriers on shipments by the latter. The proposal would eliminate the express prohibition on payment of commissions to the indirect cargo carriers and would exempt them from the prohibition on soliciting rebates in section 403(b) of the Act. The rule was proposed in response to a request by a direct carrier in order to reduce regulatory intervention in the relationship between direct and indirect air carriers. 49 U.S.C. 1386.
	B13. INTRA-ALASKA CARGO TARIFF ELIMINATION (14 CFR PART 221)	
Joseph A. Brooks, OGC, 202-673-5442.	NPRM in preparation	This rule would exempt carriers from the tariff filing requirement for cargo service in intra-Alaska markets. Under the Airline Deregulation Act, as of January 1, 1983, carriers will no longer be required to file passenger tariffs for those markets. The rule would implement the statutory mandate and establish parity between passenger and cargo service. 49 U.S.C. 1373, 1386.
	B14. TIME AND MILEAGE GUIDES (14 CFR 221)	
Joanne Yancey Hitchcock, OGC, 202-673-5442.	NPRM in preparation	The Board currently prohibits fares or rates based upon units of time. This rule would remove these restrictions. 49 U.S.C. 1324.
	B15. ELIMINATION OF CREDIT TERM TARIFFS (14 CFR 221)	
Joanne Yancey Hitchcock, OGC, 202-673-5442.	NPRM in preparation	The Board requires carriers to file tariffs that set forth credit terms for the purchase of air transportation. The Board is considering eliminating this tariff requirement because regulation of credit practices may be outside its area of regulatory expertise. 49 U.S.C. 1324, 1373.
	C. Charters	
	C7. DIRECT CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS (14 CFR PARTS 207, 208)	
David Schaffer, OGC, 202-673-5442.	NPRM, 45 FR 46812, July 11, 1980 (EDR-405, Docket 37169). Comment period closed: September 25, 1980. Reply comment period closed: October 10, 1980. Scheduled for completion: January 1983.	This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services be eliminating the *force majeure* clause from charter contracts. More recently, however, the Board has issued a comprehensive proposal (item C10 in this agenda) to revise and simplify the charter rules. Prohibition of *force majeure* clauses would be inconsistent with some provisions of the newly proposed scheme. The Board's final action in this proceeding will be consistent with that in item C10. 49 U.S.C. 1324, 1371.

RULES UNDER DEVELOPMENT—Continued

Contact person	Action schedule	Description
	C10. LIBERALIZATION OF CHARTER RULES (14 CFR PARTS 207, 208, 212, 298, 380)	
Patricia T. Szrom, BDA, 202-673-5088 or David Schaffer, OGC, 202-673-5442.	NPRM, 47 FR 7443, February 19, 1982 (EDR-439/SPDR-86, Docket 40336). Comment period closed: April 20, 1982. Reply comment period closed: May 10, 1982. Scheduled for completion: January 1983.	The Board has proposed substantial liberalizations of its charter rules, with a view toward the agency's sunset. The proposal seeks comments on replacing the current rules governing public charters with a new registration and bonding requirement for indirect air carriers or, alternatively, keeping some combination of a bonding and escrow requirement and some or all of the requirements designed to protect participants' expectations while eliminating all filing requirements on indirect air carriers. The proposal would also eliminate restrictions on eligible groups and dealings between charter operators and air carriers. The Board seeks to reduce the rules concerning charters to the minimum necessary for public protection. This proposal supersedes several other charter rulemaking proceedings. 49 U.S.C. 1324, 1371.
	C12. PROCEDURES FOR AWARDING JAPANESE CHARTER AUTHORIZATIONS (PROPOSED 14 CFR PART 320)	
Richard M. Loughlin, BIA, 202-673-5878.	NPRM, 47 FR 33981, August 18, 1982 (PDR-79, Docket 40891). Comment period closed: August 12, 1982.	This rule would set procedures for awarding a limited number of charters between the U.S. and Japan pursuant to a recent agreement of the two countries. The charter authorizations (300 for each of 3 years) would be divided between those awarded to certain "grandfathered" carriers and those winning in a lottery open to all carriers. Provisions in the rule such as penalties for non-use and such as an after-market are included. 49 U.S.C. 1324, 1371, 1377, 1502.
	D. Miscellaneous	
	D1. NONDISCRIMINATION ON THE BASIS OF HANDICAP (PROPOSED 14 CFR PART 382)	
David Schaffer, OGC, 202-673-5442.	NPRM, 44 FR 32401, June 6, 1979 (SPDR-70, Docket 34030). Comment period closed September 4, 1979. Reply comment period closed September 24, 1979. Final rule, 47 FR 25936, June 16, 1982 (SPR-189). NPRM in preparation.	The final rule prohibits unlawful discrimination against handicapped air travelers and implements section 504 of the Rehabilitation Act of 1973. The Board is now considering whether to include provisions regulating carrier employment practices. 29 U.S.C. 794.
	D2. CONSUMER PROTECTIONS FOR MEMBERS OF SCHEDULED-SERVICE TOUR GROUPS	
Joanne Petrie, OGC, 202-673-5442.	ANPRM, 44 FR 43481, July 25, 1979 (SPDR-71, Docket 34997). Comment period closed October 23, 1979. Reply comment period closed November 22, 1979. Termination of rulemaking in preparation.	The Board is considering whether consumer protection rules are needed for scheduled-service tours. 49 U.S.C. 1324, 1371, 1372, 1374, 1381, 1386.
	D3. AIR CARRIER FITNESS (CONTINUING FITNESS) (14 CFR PART 204)	
Gerard N. Boller, BDA, 202-673-5352.	NPRM under consideration	The Board is considering the development of a system to monitor the continuing fitness of air carriers as required by section 401(r) of the Act. 49 U.S.C. 1324, 1371, 1377, 1389.
	D5. ZONES FOR MAIL RATES (PROPOSED 14 CFR PART 233)	
Barry Molar, OGC 202-673-5205, or Lawrence Myers, OGC 202-673-5205.	NPRM, 44 FR 52246, September 7, 1979 (EDR-387/PDR-68, Docket 36497). Supplemental NPRM, 45 FR 83510, December 18, 1980 (EDR-387C/PDR-68C, Docket 36497). Comment period closed February 17, 1981. Scheduled for completion: September 1983.	This rule would end the Board's current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. Each zone would be defined by maximum and minimum rates prescribed by the Board, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone. 49 U.S.C. 1302, 1324, 1376.
	D8. AGE DISCRIMINATION (PROPOSED 14 CFR PART 378)	
David Schaffer, OGC, 202-673-5442.	NPRM, 44 FR 55383, September 26, 1979 (SPDR-74, Docket 36639). Comment period closed November 26, 1979. A final rule was adopted by the Board on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. Scheduled for completion: July 1983.	This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. 42 U.S.C. 6102.
	D9. POLICY STATEMENT ON PREEMPTION (14 CFR PART 399)	
Patricia Snyder, OGC, 202-673-5205.	Interim rule, 44 FR 9948, February 15, 1979 (PS-83). Request for comments on interim rule, 44 FR 9953, February 15, 1979 (PSDR-56, Docket 34684). Comment period closed April 16, 1979. Scheduled for completion: December 1982.	This rule will set out final Board policies for regulation of the rates, routes and services of airlines that have interstate authority. The Board has concluded that under section 105 of the Act it, not the States, is responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate. 49 U.S.C. 1305.
	D16. UPDATE OF AGREEMENT-FILING RULES (14 CFR PARTS 261, 262, 263, 289, 302)	
Joseph A. Brooks, OGC, 202-673-5442.	NPRM in preparation	This rule would update the agreement-filing rules to conform to statutory changes that make agreement filing voluntary, and would remove the now unnecessary Part 289 agreement-filing exemption. P.L. 95-504, P.L. 96-163, 49 U.S.C. 1324, 1382.
	D18. SUSPENSION OF ABANDONED FOREIGN AIR CARRIER PERMITS (14 CFR PART 213)	
Allan F. Brown, BIA, 202-673-5878.	NPRM in preparation	This rule would provide for the automatic suspension of operating authority of a foreign air carrier permit holder if the carrier ceased all operations for an extended period of time. 49 U.S.C. 1372.

RULES UNDER DEVELOPMENT—Continued

Contact person	Action schedule	Description
D20. SIMPLIFIED NOTICE REQUIREMENTS FOR 401 CERTIFICATE PROCEEDINGS UNDER SUBPART Q (14 CFR PART 302)		
Rhonda Starck, BIA, 202-673-5035.	NPRM, 46 FR 29718, June 3, 1981 (PDR-75, Docket 39638). Comment period closed August 3, 1981. Scheduled for completion: October 1982.	This rule would provide that applicants for certificates of public convenience and necessity, or for modifications of such certificates, may serve a simplified notice of the application on specified persons, instead of the present requirement that applicants serve complete copies of their applications. 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1376, 1386, 1481, 1482.
D21. SUBPART Q REFINEMENTS (14 CFR PART 302)		
Jeffrey Gaynes, BIA, 202-673-5035.	NPRM in preparation	This rule would correct omissions and inconsistencies in the existing procedures for granting certificates and foreign air carrier permits. 49 U.S.C. 1324, 1371, 1372, 1481.
D26. INSURANCE FOR ON-DEMAND AIR TAXI OPERATORS AND CANADIAN AIR TAXIS (14 CFR PARTS 205, 298)		
Patricia Szrom, BDA, 202-673-5088, or Joseph Brooks, OGC, 202-673-5442.	NPRM, 46 FR 52585, October 27, 1981 (EDR-395B, Docket 37531). Comment period closed: December 28, 1981. Reply comment period closed: January 18, 1982. Scheduled for completion: November 1982.	This rule would set the minimum per-person aircraft accident liability insurance limits for U.S. and Canadian on-demand air taxi operators at $150,000, instead of at $300,000 as it is for other air carriers. The NPRM further includes alternative proposals to set the per-person limit at $75,000 or to eliminate all minimum amounts, requiring a public notice instead. Other rules for insurance coverage for these carriers would be as in 14 CFR Part 205, including the prohibition on safety-related exclusions. P.L. 95-504, 49 U.S.C. 1371, 1374, 1386.
D27. ADHERENCE TO MONTREAL AGREEMENT FOR PASSENGER LIABILITY LIMIT (14 CFR PART 205)		
Peter Schwarzkopf, OGC, 202-673-5928, or Joseph Brooks, OGC, 202-673-5442.	NPRM, 47 FR 25019, June 9, 1982 (EDR-443, Docket 40734). Scheduled for completion: November 1982.	This rule would require all U.S. and foreign air carriers to sign a counterpart to the Montreal Agreement, which waives the $10,000 liability limit and certain carrier defenses under the Warsaw Convention. Participating carriers in the Agreement could not limit their liability to less than $75,000 for passenger injury for travel in foreign air transportation. 49 U.S.C. 1324, 1371, 1372, 1373.
D30. REGULATORY FLEXIBILITY ACT; DEFINITION OF SMALL BUSINESS (14 CFR PART 399)		
Joanne Petrie, OGC, 202-673-5442.	NPRM, 47 FR 23474, May 28, 1982 (PSDR-76, Docket 40673). Comment period closed: July 27, 1982. Scheduled for completion: October 1982.	The Regulatory Flexibility Act directs agencies to consider the effects of their rules on small businesses and other small entities. It allows an agency to establish its own definition of "small business" when that would be more appropriate to the agency's activities than the one already established in 13 CFR Part 121 by the Small Business Administration. This notice requested comment on a Civil Aeronautics Board definition of "small business" for airlines. P.L. 96-354.
D31. GROUP CONTRACTOR EXEMPTIONS		
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	This rule would codify the Board's treatment of group contractors. A group contractor, like a charter operator, is an indirect air carrier that purchases air transportation from a direct air carrier and sells it to passengers as a principal rather than as an agent. Unlike charter operators, however, a group contractor is backed up financially by the direct carrier so that a passenger may look to the direct carrier for transportation or refund if the group contractor defaults. Group contractors are currently governed by Board Order 81-7-109, July 21, 1981, as modified by Order 82-3-132, March 24, 1982. They are sometimes referred to as "contract bulk fare operators." 49 U.S.C. 1371, 1386.
D32. EXPANSION OF ANTITRUST EXEMPTIONS (14 CFR PARTS 251, 287, 291)		
Gwyneth Jones, OGC, 202-673-6011.	Petition filed in Docket 40543. NPRM in preparation	Sections 408 and 409 of the Act require prior Board approval of certain interlocking and control relationships among air carriers, other common carriers, persons substantially engaged in the business of aeronautics, and others. The Board's rules already contain some exemptions from these requirements. On its own initiative and in response to a petition from Delta Airlines, the Board is considering whether and how to broaden the exemptions. 49 U.S.C. 1378, 1379.
D33. EXPANSION OF AIRCRAFT ACQUISITION EXEMPTION (14 CFR PARTS 290, 299)		
Joseph A. Brooks, OGC, 202-673-5442 or David Fuss, BDA 202-673-5088.	NPRM in preparation	The rule would expand the present relief from the statutory requirement for air carriers to obtain Board approval for aircraft acquisitions. It would include all aircraft acquisitions by any person. 49 U.S.C. 1378, 1386.
D34. EXEMPTION FOR DOMESTIC CARGO CARRIERS FROM UNJUST DISCRIMINATION PROHIBITION (14 CFR PART 291)		
Joanne Petrie, OGC, 202-673-5442.	NPRM in preparation	This rule would exempt domestic cargo carriers from section 404(b) of the Act. That section prohibits carriers from engaging in unjust discrimination in their service. Under the Airline Deregulation Act, as of January 1, 1983, domestic passenger carriers will be exempt from this requirement by statute. The rule would complement this statutory mandate for cargo service. 49 U.S.C. 1374, 1386.
D35. INTERNATIONAL CERTIFICATE DURATION (14 CFR PART 399)		
Donald H. Horn, 202-673-5205 or Joseph A. Brooks, 202-673-5442.	ANPRM, 47 FR 32442, July 27, 1982 (PSDR-78, Docket 40823). Comment period closes: September 27, 1982. Reply comment period closes: October 12, 1982. Scheduled for completion: April 1983.	This rule would set Board policy to award temporary experimental certificates for foreign air transportation for U.S. air carriers. The Board is considering options such as term certificates of 5 years with or without a presumption of renewal, or indefinite certificates with a mechanism to "bump" the incumbent. 49 U.S.C. 1371.
D36. PRE-CERTIFICATION TICKET SALES (14 CFR PART 201)		
David Schaffer, OGC, 202-673-5442.	NPRM, 47 FR 41759, September 22, 1982 (EDR-447, Docket 40964). Comment period closes: November —, 1982. Scheduled for completion: March 1983.	Some applicants for air carrier certificates have begun selling tickets for flights before they have received authority to operate. The Board is considering several options to deal with this. These include: total prohibition, partial prohibition, escrow requirements, and a notice requirement. 49 U.S.C. 1371, 1381.

RULES UNDER DEVELOPMENT—Continued

Contact person	Action schedule	Description
211-1. REDUCTION OF EVIDENCE REQUIREMENTS FOR FOREIGN AIR CARRIER PERMIT RENEWALS (14 CFR PART 211)		
Regis P. Milan, Jr., BIA, 202-673-5878.	NPRM in preparation	Under this rule, foreign air carriers applying for routine renewals or amendments of their permits would, if previous unopposed licensing proceedings had met certain evidentiary standards, be excused from resubmitting certain evidence whose continuing validity could be attested to. 49 U.S.C. 1372.
217-1. REPORTING OF CIVIL AIRCRAFT CHARTERS (14 CFR PARTS 217, 241)		
Jack Calloway, OC, 202-673-6042.	NPRM, 47 FR 15350, April 9, 1982 (EDR-441, Docket 40551). Comment period closed: June 8, 1982. Reply comment period closed: June 23, 1982. Scheduled for completion: December 1982.	This rule would significantly reduce the Board's charter data reporting requirements by eliminating the reporting of domestic charters and limiting the reporting of international charters to those performed with aircraft of more than 60 seats or 24,000 pounds of payload. 49 U.S.C. 1324, 1371, 1372.

RULES UNDER REVIEW

Contact person	Action schedule	Description
223-1. MODIFICATION OR WITHDRAWAL OF EXEMPTION TO FOREIGN AIR CARRIERS TO CARRY TRAVEL AGENTS OR OTHER TRAVEL PROMOTERS FREE OR AT REDUCED RATES (14 CFR PART 223)		
Jeffrey Gaynes, BIA, 202-673-5035.	NPRM, 46 FR 36714, July 15, 1981 (EDR-428, Docket 39794). Supplemental NPRM, 46 FR 40896, August 13, 1981 (EDR-428A). Comment period closed August 21, 1981. Scheduled for completion: January 1983.	This rule would allow the Board to modify or terminate exemptions granted to foreign air carriers to carry travel agents or other travel promoters free or at reduced rates at any time without hearing, as the public interest may require. 49 U.S.C. 1324, 1373, 1374, 1386.
223-2. FREE AND REDUCED-RATE TRANSPORTATION (14 CFR PART 223)		
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	This rule would update the provisions governing free and reduced-rate transportation, which for domestic transportation have been largely superseded by the tariff flexibility rules. 49 U.S.C. 1373, 1386.
234-1. ON-TIME ARRIVAL STANDARDS (14 CFR PART 234)		
Joanne Petrie, OGC, 202-673-5442.	Petition filed in Docket 27891. NPRM in preparation.	The Board is considering amending its rules to include a policy statement that unrealistic scheduling will be considered an unfair or deceptive practice or an unfair method of competition under section 411 of the act. The requirement that certificated air carriers report their scheduled arrival performance, which has been waived temporarily, would also be eliminated because it is unnecessary. 49 U.S.C. 1324, 1374, 1375, 1381.
241-2. AMENDMENT OF FUEL COST AND CONSUMPTION REPORTING (14 CFR PART 241)		
Jack Calloway, OC, 202-673-6042.	NPRM, 46 FR 21185, April 9, 1981 (EDR-422, Docket 39489). Comment period closed: June 8, 1981. Reply comment period closed: June 29, 1981. Awaiting designation as central repository agency by OMB for airline fuel data.	This rule would reduce the amount of fuel information reported by air carriers each month, and delay the release of carrier-specific information until after the end of each quarter. 49 U.S.C. 1324, 1371, 1377.
241-3. ALIGNMENT OF UNIFORM SYSTEM OF ACCOUNTS AND REPORTS WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (14 CFR PART 241)		
Richard G. Minick, BCAA, 202-673-6041.	NPRM in preparation	As part of the continuing effort to align the Board's accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended. These changes would provide relief from the present requirements for most carriers. 49 U.S.C. 1324, 1371, 1377.
241-4. REVISE DEFINITION OF REVENUE AND NONREVENUE PASSENGERS (14 CFR PART 241)		
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	The present definition of revenue and nonrevenue passengers for reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in sections 403(b) of the Act. These definitions have become outmoded in the process of fare deregulation. The Board is considering several options for revising these definitions. 49 U.S.C. 1324, 1373.
241-5. REDUCE REPORTING REQUIREMENTS OF THE UNIFORM SYSTEM OF ACCOUNTS AND REPORTS (14 CFR PART 241)		
Jack Calloway, OC, 202-673-6042.	NPRM in preparation	This rule would eliminate from the Uniform System of Accounts and Reports (USAR) 12 financial schedules and 6 accounting policy statements. It would also make the USAR applicable only to certificated air carriers operating large aircraft (more than 60 seats or more than 18,000 pounds of payload). 49 U.S.C. 1324, 1371, 1377, 1387.
241-6. CHANGE THE APPLICABILITY OF FORM 41, SCHEDULE T-9 AND PASSENGER ORIGIN-DESTINATION SURVEY. (14 CFR PART 241)		
Jack Calloway, OC, 202-673-6042.	NPRM in preparation	This rule would require only those carriers operating large aircraft (more than 60 seats or more than 18,000 pounds of payload) to file service segment data and passenger origin-destination survey data. Carriers operating small aircraft would be exempted from filing. 49 U.S.C. 1324, 1371, 1377, 1387.
241-7. REDUCE SERVICE SEGMENT DATA REPORTS (14 CFR PART 241)		
Jack Calloway, OC, 202-673-6042.	NPRM in preparation	The Board has a two-tiered reporting system for service segment reporting. The larger carriers file very detailed service segment data in ADP format while smaller carriers file a condensed version. This rule would standardize service segment at the less detailed level. 49 U.S.C. 1324, 1371, 1377, 1387.

RULES UNDER REVIEW—Continued

Contact person	Action schedule	Description
241-8. SIMPLIFY PASSENGER ORIGIN-DESTINATION SURVEY DATA REPORTING (14 CFR PART 241)		
Jack Calloway, OC, 202-673-6042.	NPRM in preparation	This rule would eliminate the dollar amount of fare, fare-basis codes and other unnecessary data elements from the Passenger Origin-Destination Survey data. 49 U.S.C. 1324, 1371, 1377, 1387.
245-1. EXEMPTIONS FROM REPORTING STOCK OWNERSHIP (14 CFR PART 245)		
Joseph A. Brooks, OGC, 202-673-5442, or David Fuss, BDA, 202-673-5088.	NPRM in preparation	The Board is considering whether to change its rules to exempt owners of more than five percent of any class of capital stock or capital of an airline from the filing of reports required by section 407(c) of the Act. The filing of these reports has been waived under delegated authority pending the outcome of this rulemaking. 49 U.S.C. 1377, 1386.
246-1. REVISION OF STOCK OWNERSHIP REPORTS BY AFFILIATES OF AIR CARRIERS (14 CFR PART 246)		
David Fuss, BDA, 202-673-5088 or Joseph A. Brooks, OGC, 202-673-5442, or.	NPRM in preparation	The Board is considering changing a reporting requirement that affiliates of an airline disclose information on their major stockholders in order to improve the ability to monitor foreign citizen ownership of U.S. air carriers. 49 U.S.C. 1377, 1386.
248-1. ELIMINATION OF SPECIAL RECONCILIATION REPORT (14 CFR PART 248)		
David Schaffer, OGC, 202-673-5442	NPRM in preparation	This rule would eliminate the special report reconciling a carrier's audited balance sheet and income statement with similar statements in the Form 41 Report. The report would be removed in order to relieve the industry from unnecessary reporting requirements. 49 U.S.C. 1324, 1371, 1377.
250-1. DENIED BOARDING COMPENSATION—EXTRA SECTIONS (14 CFR PART 250)		
Joanne Petrie, OGC, 202-673-5442.	NPRM, 45 FR 30086, May 7, 1980 (EDR-400, Docket 36294). Comment period closed July 7, 1980. Scheduled for completion: October 1982.	Airlines are required to pay denied boarding compensation to passengers who are bumped from their flights. This rule would clarify the applicability of that requirement to extra sections of flights. The rule would also eliminate a minor exception to the requirement. The Board is considering related issues in its general review of oversales (item 250-4 in this agenda). 49 U.S.C. 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482.
250-4. GENERAL REVIEW OF DENIED BOARDING COMPENSATION (14 CFR PART 250)		
Joanne Petrie, OGC, 202-673-5442, or Dayton Lehman, OCCCA, 202-673-5191.	NPRM, 46 FR 62285, December 31, 1981 (EDR-436, Docket 39932). Comment period closed: March 8, 1982. Reply comment period closed: March 23, 1982. Scheduled for completion: October 1982.	The Board is considering whether to eliminate the present denied boarding compensation rule or to amend it to remove some inequities. This proposal is part of the Board's general review of its consumer protection rules. 49 U.S.C. 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482.
262-1. AGREEMENTS CONCERNING OPERATING RIGHTS IN FOREIGN COUNTRIES (14 CFR PART 262)		
Joanne Petrie, OGC, 202-673-5442, or Patricia DePuy, BIA, 202-673-5878.	NPRM, 47 FR 28683, July 1, 1982 (EDR-445, Docket 40773). Comment period closed: August 30, 1982. Scheduled for completion: October 1982.	The Board is considering whether to revoke the requirement that every U.S. air carrier file with the Board evidence of each agreement relating to operating rights between that air carrier and any foreign country. 49 U.S.C. 1324, 1482.
291-1. ELIMINATION OF REPORT BY ALL-CARGO DOMESTIC CARRIERS (14 CFR PART 291)		
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	This rule would eliminate the Schedule 291-A, B and C reports by air-cargo carriers that are currently required by 14 CFR Part 291 because they are no longer needed by the Board in its regulatory functions. 49 U.S.C. 1324, 1377, 1386, 1388.
293-1. ALASKAN SUBCONTRACT AGREEMENTS (14 CFR PART 293)		
David Schaffer, OGC, 202-673-5442.	NPRM, 46 FR 46592, September 21, 1981 (EDR-431/PDR-76, Docket 39990). Comment period closed: November 20, 1981. Scheduled for completion: August 1983.	Part 293 applies to subcontract agreements involving the operation of scheduled air services by air taxi operators over Alaskan bush routes of a certificated air carrier. The Board is considering whether to revoke this rule and replace it with different filing requirements. 49 U.S.C. 1386, 1389.
297-1. ELIMINATION OF REPORTS BY FOREIGN AIR FREIGHT FORWARDERS (14 CFR PART 297)		
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	This rule would eliminate the Form 296-R report filed by foreign air freight forwarders. A similar report was eliminated for domestic air freight forwarders after the deregulation of domestic cargo. This rule would equalize the treatment of all air freight forwarders. 49 U.S.C. 1324, 1386.
298-3. REVISING THE DEFINITION OF COMMUTER AIR CARRIER (14 CFR PART 298)		
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	This rule would clarify the status and obligations of air taxis that enter into subcontracts with commuters to operate some of that commuter's scheduled routes. 49 U.S.C. 1324, 1386.
298-8. AMEND APPLICABILITY OF PARTY 298 AND REVISE REPORTING ON CAB FORM 298-C (14 CFR PART 298)		
Jack Calloway, OC, 202-673-6042.	NPRM in preparation	This rule would extend the applicability of Form 298-C reporting to certificated air carriers operating small aircraft (60 or fewer seats or 18,000 pounds or less payload). It would also eliminate the mail and cargo data from the reporting requirements for all carriers except for intra-Alaskan carriers. 49 U.S.C. 1324, 1371, 1374, 1386.
302-1. REQUESTS FOR CONFIDENTIAL TREATMENT OF MATERIALS FILED WITH THE BOARD (14 CFR PART 302)		
Joseph A. Brooks, OGC, 202-673-5442.	NPRM in preparation	This rule would revise the procedures governing requests for confidential treatment of material filed with the Board, to clarify the relation between those procedures and the Freedom of Information Act. 49 U.S.C. 1324, 1482.

RULES UNDER REVIEW—Continued

Contact person	Action schedule	Description
321-1. PROCEDURES TO EXAMINE THE FITNESS OF DORMANT AUTHORITY CARRIERS (14 CFR PART 321)		
David Schaffer, OGC, 202-673-5442.	NPRM, 47 FR 40812, September 16, 1982, (PDR-82, Docket 40959). Comment period closes: November 15, 1982. Schedules for completion: March 1983.	Part 321 sets forth procedures for applications for dormant route authority. Presently, a carrier may receive this authority without an examination of its fitness to operate. This conflicts with the statutory requirement to monitor the continuing fitness of carriers. The Board is proposing to require these carries to include fitness material in their applications and to revoke the dormant authority of carriers that are found unfit. 49 U.S.C. 1371.
323-1. SERVICE TERMINATIONS IN FOREIGN MARKETS (14 CFR Part 323)		
David Schaffer, OGC, 202-673-5442.	NPRM, 47 FR 36433, August 20, 1982, (PDR-80, Docket 40903). Comment period closes: October 19, 1982. Scheduled for completion: April 1983.	The Board recently eliminated all advance notice requirements for terminations of service in foreign air transportation (PR-244). This has created problems in some limited designation markets where the incumbent carrier has terminated service without informing the Board. The Board is proposing to require carriers to report to the Board if they are terminating foreign air service so that the Board would have time to find a replacement, if necessary. 49 U.S.C. 1324, 1377.
370-1. EMPLOYEE RESPONSIBILITIES AND CONDUCT (14 CFR PARTS 370, 300)		
Kenneth G. Caplan, OGC, 202-673-5790.	NPRM in preparation	The Board is preparing revisions of its ethics rules to reflect experience since the last revision and to conform to the Ethics in Government Act, Pub. L. 95-521.
375-1. NAVIGATION OF FOREIGN CIVIL AIRCRAFT (14 CFR PART 375)		
George Wellington, BIA, 202-673-5878.	NPRM in preparation	The Board is reviewing its regulations governing the navigation of foreign civil aircraft within the United States. The review will focus on simplifying and clarifying the procedures to be followed in obtaining operating authority, and on ensuring that conditions imposed on such operations satisfactory serve the public interest. 49 U.S.C. 1324, 1372, 1508.
379-1. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE BOARD (14 CFR PART 379)		
David Schaffer, OGC, 202-673-5442.	An NPRM was approved by the Board on June 15, 1982 and was forwarded to the Justice Department for review in accordance with Executive Order 12250.	The Board is reviewing its rules that implement Title VI of the Civil Rights Act of 1964, in response to suggestions from the Department of Justice. 42 U.S.C. 2000d-1.
389-1. CHANGE IN LICENSE AND FILING FEE SCHEDULES (14 CFR PART 389)		
Joseph Brooks, OGC, 202-673-5442.	Order 77-4-42, dated April 8, 1977. NPRM, 47 FR 7846, February 23, 1982 (ODR-25, Docket 30586). Comment period closed: April 20, 1982. Reply comment period closes: May 10, 1982. Scheduled for completion: December 1982.	Because of decisions in the Supreme Court and the U.S. Court of Appeals, the Board suspended its license fees in 1977. Its filing fees have also become outdated in relation to costs. The Board has begun a rulemaking to change its method for calculating filing fees and to bring them into line with current costs. It is also considering deleting the suspended license fees. 31 U.S.C. 483a, 49 U.S.C. 1324.
399-2. DOMESTIC PASSENGER FARE FLEXIBILITY (14 CFR PART 399)		
Julien Schrenk, BDA, 202-673-5298.	NPRM, 47 FR 16792, April 20, 1982 (PSDR-74, Docket 40584). Comment period closes: May 20, 1982. Reply comment period closes: June 4, 1982. Scheduled for completion: September 1982.	The Board has asked for comment on three possible ways of changing its domestic passenger fare flexibility rules. The three options are: 1) granting an additional 20 percentage points of upward flexibility above the present ceiling, which in Mainland markets is the Standard Industry Fare Level plus $16 plus 30 percent, 2) granting a percentage upward flexibility without the current fixed dollar amount, and 3) removing all upward pricing constraints in interstate and overseas air transportation except within Alaska. The notice is the result of a review of domestic air fares and is intended to prepare for the end of the CAB's domestic pricing authority on January 1, 1983. 49 U.S.C. 1302, 1386, 1482.

APPENDIX.—RULEMAKING COMPLETED OR TERMINATED SINCE PREVIOUS AGENDA

[Numbers in brackets are entry numbers from previous agenda.]

Contact person	Status	Description
[B6.] INTERNATIONAL CARGO RATE POLICY—FURTHER CHANGES (14 CFR PART 399)		
Joanne Petrie, OGC, 202-673-5442.	Proposed rulemaking terminated	This notice would have invited comments on the broad question of what the Board's cargo rate policy should be, to advise the Board on future rulemaking or legislative proposals. The proceeding was terminated because information is available from other sources.
[B8.] REREGULATION OF DISCOUNT FARES (14 CFR PARTS 221, 399).		
David Schaffer, OGC, 202-673-5442.	Petition denied, Order 82-5-110, May 20, 1982	World Airways petitioned the Board to amend the rules governing discount fares. It asked the Board to exercise greater oversight over such fares and to require airlines to justify any fare that is more than 50 percent below the standard industry fare level for the market involved. The petition was denied because such reregulation of fares is contrary to the phased deregulation of the airline industry.
[C11.] OVERSEAS MILITARY PERSONNEL CHARTERS (14 CFR PART 372)		
Richard B. Dyson, OGC, 202-673-5442.	Petition denied, Order 82-6-19, June 3, 1982	The Davis Agency petitioned the Board for rulemaking to amend its rules governing Overseas Military Personnel Charters (OMPC's) to permit official travel by OMPC-eligible persons and to enlarge the group of OMPC-eligible persons to include all Federal employees. The petition was denied because it would be discriminatory, it would invite disadvantageous changes in foreign counterpart rules, and it would provide little public benefit.

APPENDIX.—RULEMAKING COMPLETED OR TERMINATED SINCE PREVIOUS AGENDA—Continued

[Numbers in brackets are entry numbers from previous agenda.]

Contact person	Status	Description
	[D4.] FITNESS DETERMINATIONS FOR DORMANT CARRIERS (14 CFR PART 204)	
Joseph Brooks, OGC 202-673-5442, or Curtis B. Maloy, BDA 202-673-5068.	Final rule adopted June 3, 1982. (ER- ——) Awaiting OMB review.	This rule imposes a 2-year limit for starting service or continuing service after a fitness determination. Carriers that do not begin service or operate within that time period will be required to resubmit fitness data and obtain reauthorization before beginning service. 49 U.S.C. 1371, 1377.
	[D11.] FOREIGN INDIRECT AIR CARRIER OPERATIONS IN DOMESTIC MARKETS (14 CFR PARTS 296, 380)	
David Schaffer, OGC, 202-673-5442.	Final rule, 47 FR 19683, May 7, 1982 (ER-1294, SPR-188)	This rule authorizes foreign indirect air carriers to organize tours and forward freight in domestic markets.
	[D19.] AIR CARRIER REPORTING REQUIREMENTS (14 CFR PARTS 217, 231, 234, 241, 246, 248, 249, 250, 291, 298, 374a)	
Jack Calloway, OC, 202-673-6042.	Staff report, "CAB Information Systems and Early Sunset (Analysis of Comments and Staff Recommendation)" approved by the Board on June 8, 1982, Docket 40024.	This comprehensive report recommended various changes to 17 information programs including record retention requirements. These recommendations are being incorporated in NPRM's and are shown on the Action Schedule.
	[D28.] INSURANCE FOR ALL-CARGO AND FOREIGN SMALL AIRCRAFT OPERATORS (14 CFR PART 205, 291)	
Joseph Brooks, OGC, 202-673-5442.	Proposed rulemaking terminated	This rule would have equalized the insurance requirements for certificated air carriers and air taxi operators that utilize small aircraft for cargo service. Certificated carriers would have had to maintain the same insurance as on-demand air-taxi operators. The insurance requirements for U.S. and foreign on-demand small aircraft operators would have been equalized. The proposed rulemaking was terminated because any inequities can more effectively be handled individually by exemptions.
	[221-2.] LIABILITY FOR LOST, DELAYED, AND DAMAGED BAGGAGE (14 CFR PART 221; proposed 14 CFR PART 254)	
Joanne Petrie, OGC, 202-673-5442, or Dayton Lehman, OCCCA, 202-673-5191.	Final rule adopted September 14, 1982 (ER- ——)	The Board is simplifying and codifying its baggage liability rules as part of its review of consumer protection regulations prior to sunset. Airlines may not limit their liability to less than $1,000 per passenger for loss, damage, or delay in the carriage of passenger baggage in domestic air travel. Airlines must also provide notice to passengers concerning limitations to their liability.
	[241-1.] AIR CARRIER FINANCIAL AND STATISTICAL REPORTING (14 CFR PART 241)	
Jack Calloway, OC, 202-673-6042.	Final rule, 47 FR 32915, July 28, 1982 (ER-1297)	This rule reduces the financial and statistical reporting requirements for certificated air carriers contained in the CAB Form 41 Report by eliminating several reporting schedules, revising the groupings of air carriers for reporting purposes and limiting the applicability of certain CAB Form 41 schedules.
	[313-1.] FUEL INFORMATION IN CERTIFICATE APPLICATIONS (14 CFR PARTS 313, 201)	
William J. Wagner, BIA, 202-673-5415.	Proposed rulemaking terminated	To implement the goals of the Energy Policy and Conservation Act, the Board requires applicants for new operating authority to submit fuel information. This rule would have eliminated that requirement in instances where it is unnecessary because the United States and a foreign country have agreed that new service is required by the public interest. The proposed rulemaking was terminated because the current requirements are not burdensome.

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federal register

Thursday
October 28, 1982

Part XXXVII

Commodity Futures Trading Commission

Regulatory Flexibility Agenda

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of Regulatory Flexibility Agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Nancy E. Yanofsky, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 (202)–254–5716.

SUPPLEMENTARY INFORMATION: the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601, *et seq.* ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of October and April of each year, each agency shall publish in the Federal Register a regulatory flexibility agenda which shall contain—

(1) a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) a summary of the nature of such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking, and

(3) the name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. § 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year.[1] The agenda lists all significant rules which may be considered by the Commission within the next year, irrespective of their potential impact on small entities.[2]

These matters include the following:

1. Bankruptcy and Related Regulations

The Bankruptcy Code permits the Commission to adopt regulations implementing Subchapter IV of Chapter 7 of the Bankruptcy Code which pertains specifically to bankruptcies of commodity firms. In this connection, the Commission has proposed regulations which will address each of the matters with respect to which it is authorized to promulgate regulations, including the scope of "customer property," the requirements for characterizing property as specifically identifiable, the method of calculating net equity, the criteria for the transfer of customer property free of the avoidance powers of the bankruptcy trustee, and guidelines for the operation of a debtor's estate pending its liquidation. The proposed bankruptcy rules will affect certain businesses for which the Commission has not yet developed financial regulations, such as leverage transaction merchants and foreign futures commission merchants, since the commodity broker subchapter of the Bankruptcy Code pertains to such businesses, as well as other commodity firms.

The proposed rules were published for comment on November 24, 1981. The comment period expired on May 15, 1982. Technical amendments to Subchapter IV were adopted by Congress on July 27, 1982. Pub. L. 97–222, 96 Stat. 235–241. The Commission expects to review the public comments and take appropriate action in late 1982.

Legislative Authority: Sections 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 12a and 24 (1976 and Supp. IV 1980).

Agency Contact: Andrea M. Corcoran, Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Bankruptcy Proposed Rules, 46 FR 57535 (Nov. 24, 1981); Extension of Comment Period, 47 FR 8789 (Mar. 2, 1982) and 47 FR 16187 (Apr. 15, 1982).

2. Proficiency Examinations For Applicants for Registration as Associated Person ("AP")

The Commission has proposed to adopt a rule which, in essence, would require new applicants for registration as an AP to pass a written proficiency examination as a condition of registration. The proposed rule would require each AP applicant to have passed at the minimum competency level a specified written proficiency examination within two years preceding the date of his filing an application to be registered as such. Under the proposal, however, a currently registered AP would not be subject to the examination requirement unless his registration lapsed for a period of two years or more prior to his reapplication.

The examination program would be developed and administered by a person or persons selected by the Commission, subject to Commission supervision. If adopted, however, the program would be one of the functions that a futures association registered under Section 17 of the Commodity Exchange Act could assume, under Commission oversight.[3]

The Commission intends that an independent testing organization would be utilized to develop and administer the examination. Such organization would establish and collect a reasonable examination fee, approved by the Commission or, if the Commission so directs, by a registered futures association.

The comment period on the proposed rules expired on June 8, 1981. Action has been deferred temporarily pending the expected assumption by the National Futures Association (see note 3, *supra*)

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[1] The Commission's agenda represents its best estimate at this time of significant rules which will be considered sometime over the next twelve months. In this regard, Section 602(d) of the RFA, 5 U.S.C. § 602(d), provides: Nothing in [Section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda.

In addition to publishing the regulatory flexibility agenda required by Section 602 of the RFA, the Commission also makes available to the public, on a monthly basis, a calendar listing rules that will be considered by the Commission during that month.

[2] The Commission has published its definitions of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (Apr. 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. See 5 U.S.C. § 602(a)(1). For example, since the Commission has defined small entity not to include contract markets, proposed rulemaking concerning economic and public interest tests for contract market designation (agenda item 6) and large trader reporting to exchanges (agenda item 10) need not be included in the agenda. Moreover, the Commission has previously certified, pursuant to Section 605 of the RFA, 5 U.S.C. § 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. See 46 FR 20684 (Apr. 7, 1982) (Agenda Item 2), 46 FR 23477 (Apr. 27, 1981) (Agenda Item 4) and 46 FR 60637 (Dec. 14, 1981) (Agenda Item 9). Accordingly, listing of an item in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[3] On September 22, 1981, the Commission registered the National Futures Association under Section 17 of the Act.

of regulatory responsibilities in this area.

Legislative Authority: Sections 4k, 4p and 8a of the Commodity Exchange Act, 7 U.S.C. 6k, 6p and 12a (1976 and Supp. IV 1980).

Agency Contact: David S. Mitchell, Esq., or Robert P. Shiner, Assistant Director for Registration, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Proficiency Examinations for Associated Persons; Delegation of Authority; Proposed Rules, 46 FR 20679 (Apr. 7, 1981).

3. Registration of Non-Clerical Employees and Agents of Commodity Pool Operators ("CPOs") and Commodity Trading Advisors ("CTAs")

The Commission has issued a **Federal Register** release reproposing to adopt rules that would implement and facilitate the registration of non-clerical employees and agents of CPOs and CTAs. The comment period expired March 16, 1982. The Commission has also made a similar proposal in the form of an amendment to the Commodity Exchange Act in connection with reauthorization. The Commission has deferred action pending Congressional Consideration of its statutory proposal.

Legislative Authority: Sections 2(a)(1), 4b, 4c, 4*l*, 4m, 4n, 4*o*, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6*o*, 12a and 23 (1976 and Supp. IV 1980).

Agency Contact: Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Revisions of Commodity Pool Operator and Commodity Trading Advisor Regulations; Proposed Rules, 45 FR 51600 (Aug. 4, 1980); Revisions of Commodity Pool Operators and Commodity Trading Advisor Regulations, Delegation of Authority, 46 FR 26004 (May 8, 1981); Registration of Employees of Commodity Trading Advisors and Commodity Pool Operators, 47 FR 2325 (Jan. 15. 1982).

4. Dealer Options

Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of granting options on a physical commodity and in the business of buying, selling, producing or otherwise using that commodity.

The Commission has reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. The Commission expects to decide whether to adopt these rules in the latter part of 1982.

Legislative Authority: Sections 4c(b), 4c(d) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6c(b), 6c(d) and 12a(5) (1976 and Supp. IV 1980).

Agency Contact: Lawrence B. Patent, Special Counsel, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Proposed Reissuance and Amendments to Commodity Option Regulations, 43 FR 59396 (Dec. 20, 1978); Proposed Reissuance of and Amendments to Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities, 46 FR 23469 (Apr. 27, 1981).

5. Regulation of Leverage Transactions

The Commission has directed its staff to develop a program for regulating gold and silver leverage transactions. The Commission considered certain staff proposals on various policy issues relating to leverage transactions in April 1981. These policy issues included the registration of leverage transaction merchants, minimum financial requirements, requirements for the segregation of funds, issuance of disclosure statements, and recordkeeping and reporting.

A moratorium on the entry of new firms into the gold and silver leverage business which were not in that business on June 1, 1978, has been in effect since January 4, 1979. The Commission has previously announced its intention to regulate gold and silver leverage transactions as contracts for future delivery under the Commodity Exchange Act, but has delayed implementation of this approach until October 1982.

The Commission, in connection with reauthorization, has submitted a proposal to Congress regarding the appropriate regulatory scheme for leverage transactions. The Commission's regulatory efforts with regard to leverage transactions have been deferred pending Congressional consideration of the Commission's proposal.

Legislative Authority: Sections 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 12a and 23 (1976 and Supp. IV 1980).

Agency Contact: David R. Merrill, Office of the General Counsel, 2033 K Street NW., Washington, D.C. 20581 (202–254–9880).

Outstanding Federal Register Notices: Regulation of Leverage Transactions as Contracts for Future Delivery, 44 FR 44177 (July 27, 1979); Regulation of Leverage Transactions as Contracts for Future Delivery, Postponement of Effective Date, 44 FR 69304 (Dec. 3, 1979).

6. Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation

The Commodity Exchange Act requires a board of trade seeking to become a contract market for a particular commodity to show that futures trading in the commodity would not be contrary to the public interest. Guideline No. 1 sets forth the general criteria to be met by a contract market in making such a showing. They include an economic purpose test, a demonstration of the commercial viability of the contract and a showing that transactions for future delivery in the commodity will not be contrary to the public interest. The Commission has proposed a rule which would clarify the requirements with which boards of trade must comply for initial and continuing designation as contract markets. Proposed rules in this regard were published for comment in November 1980, and the Commission expects to decide whether to adopt these rules in final form in the fall of 1982.

Legislative Authority: Sections 2(a), 5, 5a, 6 and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 7, 7a, 8 and 12a (1976 and Supp. IV 1980).

Agency Contact: Paul M. Architzel, Chief Counsel, Division of Economics and Education, 2033 K Street NW., Washington, D.C. 20581 (202–254–6990).

Outstanding Federal Register Notices: Economic and Public Interest Requirements for Contract Market Designation, 45 FR 73504 (Nov. 5, 1980); Extension of Comment Period, 46 FR 9958 (Jan. 30, 1981).

7. Regulations to Govern Trading in Options on Physical Commodities

The Commission recently has adopted regulations to govern a pilot program for trading of commodity options on domestic commodity exchanges. Those

regulations permit the trading of options on futures contracts under specified conditions. On November 3, 1981, the Commission issued a **Federal Register** release requesting comment as to the manner in which to amend or supplement the regulations establishing the pilot program which will permit exchange trading on options on physical commodities. On June 30, 1982, the Commission proposed rules which would expand the pilot program to permit and govern the trading of options on physicals on domestic exchanges. The comment period expired on July 30, 1982. The Commission expects to decide whether to adopt the proposed rules in late 1982.

Legislative Authority: Sections 2(a)(1), 4c, 4d, 4f, 4g, 4k, 4m, 4n, 8a, 15 and 17 of the Commodity Exchange Act, 7 U.S.C. 2, 4, 6c, 6d, 6f, 6g, 6k, 6m, 6n, 12a, 19 and 21.

Agency Contacts: Lawrence B. Patent, Special Counsel, or Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955); Lamont Reese, Division of Economics and Education, 2033 K Street NW., Washington, D.C. 20581 (202–254–3310).

Outstanding Federal Register Notices: Domestic Exchange-Traded Commodity Options, Notice of Proposed Rulemaking, 46 FR 54570 (Nov. 3, 1981); Domestic Exchange-Traded Commodity Options; Expansion of Pilot Program Provisions, Proposed Rules, 47 FR 28401 (June 30, 1982); Correction, 47 FR 30498 (July 14, 1982).

8. Definition of "Rule" of Contract Markets

The Commission has proposed to amend the definition of the term "rule" of a contract market in Commission regulation 1.41(a)(1), 17 CFR 1.41(a)(1), to state explicitly that the definition includes actions by a contract market, its governing board, or any of its committees or officials which are adopted or taken pursuant to enabling authority set forth in any existing rule of the contract market. The Commission expects to review its procedures for reviewing rule submissions under Section 5a(12) of the Act in late 1982. In addition, there is now pending in Congress legislation that would impact upon the present rule submission process. Once its internal review is complete and the substance of the final Congressional action is known, the Commission will determine whether to adopt the proposed rule amendment.

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

Agency Contact: Linda Kurjan, Assistant Director, or Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notice: Contract Market Rules, 45 FR 84082 (Dec. 22, 1980).

9. Arbitration and Reparations Proceedings

The Commission has proposed amendments to its rules governing arbitration and reparations proceedings which would (1) authorize the use of binding pre-dispute arbitration agreements, thereby effectively eliminating the right of a customer who voluntarily enters into such an agreement to seek reparations with respect to a dispute arising under the agreement; (2) provide the customer with a choice of arbitration forums; and (3) require contract markets to provide that their members will bear the costs of the proceedings. The proposed rules are intended to promote the use of arbitration as a dispute-resolution alternative to reparations proceedings. The Commission expects to decide whether to adopt this proposal in early 1983.

Legislative Authority: Sections 2a(11), 5a(11), 8a(5) and 14 of the Commodity Exchange Act, 7 U.S.C. 4a(j), 7a(11), 12a(5) and 18 (1976 and Supp. IV 1980).

Agency Contact: Wendy E. Robinson, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 (202) 254–8955.

Outstanding Federal Register Notice: Regulations Pertaining to Reparations and Arbitration, Proposed Rules, 46 FR 60834 (Dec. 14, 1981).

10. Large Trader Reporting to Exchanges

The Commission has proposed a rule which would require exchanges to collect, process and forward to the Commission, in machine readable form, information which the Commission currently collects from futures commission merchants and foreign brokers on series '01 reports and form 102. The rule is intended to enhance effective market surveillance programs by the exchanges and to alleviate, to some extent, the duplicative reporting burden currently imposed on some exchange member firms. The comment period expired November 25, 1981. The Commission expects to determine whether to adopt the proposal in mid-1983.

Legislative Authority: Sections 4g, 4i, 5(d) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, 7(d) and 12a(5) (1976 and Supp. IV 1980).

Agency Contact: Lamont L. Reese, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 (202) 254–3310.

Outstanding Federal Register Notices: Large Trader Reporting to Exchanges and Reporting Open Positions, 45 FR 57141 (Aug. 27, 1980).

11. Minimum Financial and Related Reporting Requirements for Futures Commission Merchants

The Commission has proposed amendments to certain of its minimum financial and related reporting requirements for futures commission merchants ("FCMs"), as well as the basic financial reporting form for FCMs, Form 1–FR. One proposed amendment would alter the minimum dollar amount of adjusted net capital which must be maintained by FCMs. The Commission has also proposed a further amendment to the minimum financial regulations regarding the treatment of undermargined accounts. In addition, the Commission has proposed one specific capital charge relating to concentration of positions, and has invited further comment to assist it in the development of further appropriate minimum financial regulations concerning concentration of positions. The Commission expects to determine whether to adopt the proposals during the early part of 1983.

Legislative Authority: Sections 4d, 4f and 8a of the Commodity Exchange Act, 7 U.S.C. 6d, 6f and 12a (1976 and Supp. IV 1980).

Agency Contact: Chief Accountant, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Minimum Financial and Related Reporting Requirements: Proposed Rule Amendments, 45 FR 42633 (June 25, 1980); 45 FR 79498 (Dec. 1, 1980); Extension of Comment Period, 46 FR 16691 (Mar. 13, 1981).

Reauthorization Legislation

Legislation now pending in Congress may, if enacted, require regulatory revision in a number of the areas listed above. (See Items (2) Proficiency Examinations; (3) Registration of Non-Clerical Employees; (5) Regulation of Leverage Transactions and (6) Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract

Market Designation.) In addition, that legislation, if enacted, may generate rulemaking proposals in a number of additional areas, including revision of registration procedures; registration of introducing brokers; regulation of sales of foreign futures; reform of reparations procedures; and conforming revisions of Freedom of Information Act Rules (Part 145) and rules governing registered futures associations (Part 170).

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

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 82-27933 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXXVIII

Consumer Product Safety Commission

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish twice each year a regulatory flexibility agenda listing for a 12-month period rules expected to be proposed or promulgated which may have a significant economic impact on a substantial number of small entities. In this document the Commission publishes its fourth semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with provisions of Executive Order 12291 which requires executive agencies to publish an agenda of regulatory actions under development or review during the succeeding 12 months by the agency, and which further states that such an agenda may be incorporated with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATE: The Commission welcomes comments from small entities, including small businesses, small organizations, and small governmental units, upon each subject area of the agenda. Written comments concerning the agenda should be received in the Office of the Secretary by December 27, 1982.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Iris R. Hoffman, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6554. All inquiries from the press and broadcast media should be directed to Lou Brott, Office of Public Affairs, Consumer Product Safety Commission, Washington, D.C. 20207 (202) 634–7780. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act (5 U.S.C. 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of any rule expected to be proposed or promulgated which may have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the objectives and legal basis for each agenda item and a schedule for acting on each item as well as the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, President Reagan's Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or review and further states that such an agenda may be incorporated with an agenda published under the RFA. While the Commission, as an independent regulatory agency, is not required to follow E.O. 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

In the **Federal Register** of June 2, 1982 (47 FR 24034), the Commission published its third agenda under the RFA. In this notice, the Commission publishes its fourth semiannual agenda and also hereby complies voluntarily with E.O. 12291.

The fourth semi-annual regulatory flexibility agenda, published below, lists for a 12-month period anticipated regulatory activities under development or review. (These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities. The regulations which may so impact are marked with an asterisk (*); those which may not so impact are marked with an ampersand (&); if marked with a number sign (#), the regulation is not applicable to small entities and if marked with a "u" its application is undetermined). The agenda also contains a brief description and summary of each regulatory activity (including the objectives and legal basis for each); an approximate schedule of target dates (subject to revision) for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. (All agency contacts have the same address: Consumer Product Safety Commission, Washington, D.C. 20207.)

Dated: September 30, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

SEMIANNUAL REGULATORY FLEXIBILITY AGENDA ENTRIES

Title	Legal authority/CFR citation	Abstract	Timetable	Agency contact
Current and Projected Rulemakings				
Priority:				
Consumer product safety standard for chain saws and their component and replacement parts[a].	15 U.S.C. 2058(a), Consumer Product Safety Act (CPSA), 16 CFR Chapter II.	Efforts in 1979 and 1980 to develop a voluntary chain saw standard were deemed unsuccessful. Subsequently, the Commission decided that a mandatory standard was needed to reduce kickback injuries and that it should be developed by the staff. On May 11, 1981, the Commission published a notice of proceeding to develop a safety standard. Under amended statutory authority, the Commission issued an advance notice of proposed rulemaking in May, 1982, with a 60-day comment period. Commission staff has continued working with industry to develop a voluntary standard which addresses chain saw kickback injuries. The staff has also performed a preliminary evaluation of a draft industry standard which addresses chain saw kickback injuries. During FY 1983, the Commission plans to decide to either support a voluntary standard or develop a consumer product safety standard.	ANPRM 5/5/82 47 FR 19369; public comment period 5/5/82-7/6/82 47 FR 19369; time of next action is undetermined.	Carl Blechschmidt, Office of Program Management (OPM), (301) 492-6554.
Upholstered furniture cigarette flammability standard*.	15 U.S.C. 1193, 15 U.S.C. 1194, (Flammable Fabrics Act (FFA)).	In October, 1981, the Commission voted to defer mandatory regulatory action on upholstered furniture in order to work with manufacturers participating in the Voluntary Action Program of the Upholstered Furniture Action Council. This program may eliminate the need for a mandatory standard. Several promising new materials and techniques for improving the cigarette ignition resistance of upholstered furniture are under evaluation. Successful candidates are expected to be incorporated in commercial furniture in 1983. An evaluation of the industry's voluntary program will be carried out by Commission staff late in 1983.	ANPRM 11/29/72 37 FR 25239; time of next action undetermined.	James Hoebel, OPM, (301) 492-6554.
Coal and woodburning stoves labeling requirements—wood heating equipment[a].	15 U.S.C. 2076(e) (CPSA)	On June 8, 1979 the Commission granted a petition that requested that manufacturers be required to label and provide instructions on the minimum clearance to combustibles and the chimney type required for these stoves, as well as on other information for operating and maintaining these stoves. Hazard data shows injuries and deaths associated with these stoves, some of which are caused by improper installation, operation, and maintenance of the types addressed by this rule. On Nov. 17, 1980 labeling requirements were proposed. In July, 1981 the Commission decided to defer a decision on a final rule pending staff review of current changes in voluntary standards and industry conformance to those standards.	NPRM 11/17/80 45 FR 76018; public comment period 11/17/80-1/2/81 45 FR 76018; time of next action is undetermined.	Do.
Petition CP 82-6. Petition to initiate a mandatory standard for pressed wood products emitting urea-formaldehyde.	5 U.S.C. 553(a) (Administrative Procedure Act).	In correspondence received August 19, 1982, the Consumer Federation of America (CFA) petitioned the Commission to institute a mandatory product safety standard for pressed wood products emitting urea-formaldehyde.	Time of next action is undetermined.	John Liskey, OPM, (301) 492-6554.
Other:				
Amendments to clothing textile standard. Apparel Revision[a].	15 U.S.C. 1194 (FFA), 16 CFR 1610.	On August 12, 1982, a notice was published soliciting comments on proposed amendments to regulations implementing the Standard for the Flammability of Clothing Textiles (16 CFR 1610). The notice proposes that persons or firms subject to the standard, a) be permitted to devise and implement reasonable and representative tests to support guaranties, b) be exempt from further testing requirements to support guaranties for fabrics made entirely, from acrylic, modacrylic, nylon, olefin and polyester fibers, and c) the record retention period of tests supporting guaranties be reduced from three years to one year. These amendments would reduce industry's testing and recordkeeping costs while maintaining the level of protection the standard affords consumers.	NPRM 8/12/82 47 FR 3006; public comment period 8/12/82-10/12/82 47 FR 3006; estimated time of final action is 4/2/83.	James Hoebel, OPM, (301) 492-6554.
Flammability classification regulations[a].	15 U.S.C. 1261(1), 15 U.S.C. 1269(a) (Federal Hazardous Substances Act (FHSA)), 16 CFR 1500.3(b)(10), 16 CFR 1500.3(c)(6), 16 CFR 1500.43.	The Federal Hazardous Substances Act, as amended, authorizes the Commission to issue regulations to define the terms "extremely flammable," "flammable," and "combustible" for purposes of labeling household substances which may present a flammability hazard. The Commission is developing proposed regulations to change from an open-cup to a closed-cup apparatus, and to specify an appropriate procedure for classifying flammability characteristics of household substances. If issued on a final basis, the proposed regulations would make the apparatus and procedures used by the Commission compatible with flammability tests used by other Federal agencies.	Time of next action is undetermined.	Do.
Clothing textiles and vinyl plastic film flammability standards amendment[a].	15 U.S.C. 1193, 15 U.S.C. 1194 (FFA), 16 CFR 1610, 16 CFR 1611.	Clarifying amendments were proposed in 1981 to resolve questions which have arisen about interpretation of the standards and their applicability to various products, including multilayer fabrics with an outer layer of film or coated fabric, such as those used for disposable diapers. On Feb. 24, 1982, the Commission published a final amendment to the regulation to exempt plastic film used as the outer layer of a disposable diaper from any requirement for separate testing if a full thickness of the assembled article passes the test in the applicable standard. A notice to extend the period for receipt of written comments on all remaining issues was published at the same time.	NPRM 2/24/82 47 FR 01836 and 01839; public comment period 2/24/82-5/25/82 47 FR 01836 and 01839; time of next action is undetermined.	Do.
Alternate apparel test method—enforcement and administrative rule[a].	15 U.S.C. 1194 (FFA), 16 CFR 1610, 16 CFR 1615, 16 CFR 1616.	In May 1982, three FEDERAL REGISTER Notices were published concerning a proposed enforcement and administrative rule for 16 CFR 1610—Standard for the Flammability of Clothing Textiles, 16 CFR Part 1615—Flammability Standard for Children's Sleepwear, Sizes 0 through 6X, and 16 CFR Part 1616—Flammability Standard for Children's Sleepwear, Sizes 7 through 14. This rule will permit the use of alternate apparel flammability test methods with these standards. This rule would permit a reduction in industry's testing costs while maintaining the levels of protection the standards now afford consumers.	NPRM 5/17/82 47 FR 21081, 21085 and 21089; public comment period 5/17/82-7/16/82, 47 FR 21081, 21085, 21089; time of next action is undetermined.	Do.
Requirements to address strangulation risk presented by toy chests.	15 U.S.C. 1261, 15 U.S.C. 1262 (FHSA), 15 U.S.C. 2058 (CPSA), 16 CFR 1500.	Hazard information shows injuries and deaths associated with toy chests. On April 7, 1982, the Commission approved initiation of a rulemaking proceeding to address the strangulation risk caused by falling toy chest lids. Advanced Notice of Proposed Rulemaking (ANPR) was issued on April 14, 1982.	ANPRM 4/14/82 47 FR 16041; public comment period 4/14/82-6/14/82 47 FR 16041; time of next action is undetermined.	Terri Rogers, OPM (301) 492-6554.

SEMIANNUAL REGULATORY FLEXIBILITY AGENDA ENTRIES—Continued

Title	Legal authority/CFR citation	Abstract	Timetable	Agency contact
Proposed amendments to requirements for full-size and non-full size baby cribs[e].	15 U.S.C. 1261, 15 U.S.C. 1262 (FHSA), 16 CFR 1508, 16 CFR 1509.	In December 1978 the Commission directed staff to prepare amendments to the full-size and non-full-size crib regulations after identifying neck and head entrapment hazards associated with certain cutout designs on cribs. The amendments would prohibit hazardous configurations by adding to the crib requirements a performance test to simulate the entrapment hazard pattern. On September 8, 1982 the Commission voted to finalize the amendments and to make them effective six months after publication in the FEDERAL REGISTER.	NPRM 12/16/80 45 FR 82659; public comment period 12/16/80–2/17/81 45 FR 82659; extension of comment period 8/28/81 46 FR 43452; publication of final FR notice undetermined.	Do.
Proposed replacement enforcement policy statements on applicability of the children's sleepwear standards[a].	15 U.S.C. 1194 (FFA), 16 CFR 1615.64, 16 CFR 1616.65.	Dec. 11, 1981 a decision of U.S. Court of Appeals for the Fourth Circuit in *National Knitwear Manufacturers Association* v. *CPSC*, 666 F. 2d 81, set aside the Commission statements of policy on the applicability of the children's sleepwear standards for procedural reasons. Since these enforcement policy statements serve a useful purpose both for industry and the agency, the Commission is considering proposal of replacement enforcement policy statements.	NPRM estimated 12/15/82.	Elizabeth Gomilla, Directorate for Compliance and Administrative Litigation, (301) 492-6400.
Asbestos in selected consumer product[a].	15 U.S.C. 1261 *et seq.* (FHSA), 15 U.S.C. 2058, 15 U.S.C. 2080(b) (CPSA).	Hazard information shows that asbestos presents a risk of cancer and respiratory disease. On October 17, 1979 the Commission issued an Advanced Notice of Proposed Rulemaking on asbestos in consumer products. On March 4, 1982 the Commission decided to convene a Chronic Hazards Advisory Panel (CHAP) on Asbestos in Consumer Products. The CHAP is expected to meet in October, 1982 and deliver its report by February, 1983. Based on the findings of the Panel, the Commission will decide what additional regulatory action, including an ANPRM, may be appropriate.	ANPRM, 10/17/79 44 FR 60057; Invitation for suggestions for members of CHAP 4/22/82 47 FR 17323; time of next action is undetermined.	Sandra Eberle, Directorate for Health Sciences, (301) 492-6957.
Applications SH 82–1 through 37 requesting an exemption of State/local regulations from preemption by 16 CFR Part 1212[a].	15 U.S.C. 2075(c) (CPSA)	Thirty-seven applications have been received from state and local government officials since February 22, 1982. These applications all request exemption from preemption by the CPSC standard for unvented gas space heaters (16 CFR Part 1212).	Time of next action is undetermined.	Douglas Noble, OPM, (301) 492-6554.
Petition CP 82-4. Petition to exempt gasoline fueled air-cushion mowers from 16 CFR Part 1205 (Safety Standard for Walk-Behind Power Lawn Mowers).	15 U.S.C. 2056, 15 U.S.C. 2058 (CPSA).	In correspondence dated April 14, 1982 representatives of Flymo Incorporated petitioned the Commission to exempt gasoline-fueled, air-cushion lawn mowers from the CPSC Saftey Standard for Walk-Behind Power Lawn Mowers (16 CFR Part 1205).	Commission decision—Estimated Fall 1982.	Do.
Petition AP 80–2. Petition to require labeling of electrical wiring devices[a].	15 U.S.C. 2076(e) (CPSA)	In correspondence dated May 20, 1980, Dr. Jesse Aronstein petitioned the Commission to issue a regulation that would require manufacturers of electrical wiring devices to furnish consumers with information addressing the hazard of overheating that may occur when incompatible receptacles and switches are used with aluminum wiring.	Time of next action is undetermined.	Do.
Hazardous substances labeling requirements*.	15 U.S.C. 1269(a) (FHSA), 16 CFR 1500. (2).	This rule, if issued on a final basis, would revise the Commission's regulations for the prominence, placement, and conspicuousness of cautionary statements required by the Federal Hazardous Substances Act to be placed on labels of hazardous substances intended or packaged in a form suitable for household use. This proposal has been under consideration for several years; no estimate is available at this time for the date for issuance of a final rule or withdrawal of the proposed.	NPRM 12/13/78 43 FR 58195; public comment period 12/13/78 2/2/79 43 FR 58195. Time of next action is undetermined.	Charles Jacobson, Directorate for Compliance and Administrative Litigation, (301) 492-6400.
Mattress flammability standard*.	15 U.S.C. 1193, 15 U.S.C. 1194 (FFA), 16 CFR 1632.	An ANPR has been published soliciting comments on possible amendments to the Mattress Flammability Standard to modify and reduce the testing requirements and to clarify other provisions. These amendments will reduce industry's testing and recordkeeping costs while maintaining the level of protection the standard affords consumers.	ANPRM 6/10/82 47 FR 25159; public comment period of 6/10/82–8/9/82 47 FR 25159; NPRM Estimated 3/5/83.	James Hoebel, OPM, (301) 492-6554.
Ban of benzidine congener dyes in consumer products [a].	15 U.S.C. 2051 *et seq.* (CPSA), 15 U.S.C. 1261 *et seq.* (FHSA).	Hazards information shows that benzidine congener dyes may present a carcinogenic hazard. Consumer exposure to the dyes occurs usually from dye products for home dyeing application or those sold as arts and crafts materials. The Commission has granted a petition to propose a ban on consumer dye products containing benzidine congener dyes, but the industry is taking voluntary action to remove some of the dyes from the market.	Time of next action undetermined.	Abbie Gerber, Directorate for Health Sciences, (301) 492-6994.
Physician drugs samples policy statement[a].	15 U.S.C. 1472, 15 U.S.C. 1473 (Poison Prevention Packaging Act).	On March 23, 1978 the Commission proposed a policy to require manufacturers of drugs to be dispensed by physician to place the drug in a child resistant package when the package is intended to be dispensed to consumers. A Commission decision on the final policy statement is expected during calendar 1982.	Proposed policy statement 3/23/78 43 FR 12029; final policy statement 12/30/82.	Virginia White, Health Sciences, (301) 492-6957.
Reviews of Existing Regulations.				
Other: Rule review*	5 U.S.C. 610 (Regulatory Flexibility Act), 15 U.S.C. 2051 *et seq.* (CPSA) 16 CFR Chapter II, Subchapter A, 16 CFR Chapter II, Subchapter B.	The Commission plans to publish a FEDERAL REGISTER notice listing seventeen (17) rules and standards (issued under the Consumer Product Safety Act), soliciting comments on these rules which it will review pursuant to the requirements of the Regulatory Flexibility Act. Subsequently, the Commission will publish notice and solicit comments on rules and standards under the other Acts administered by the Commission.	Estimated publication of notice to solicit comments 10/30/82.	Douglas Noble, OPM, (301) 492-6554.
Completed Actions				
Priority:				
Ban of ureaformaldehyde foam insulation.		On April 2, 1982, the Commission issued a ban of the installation of ureaformaldehyde foam insulation in residences and schools, effective 8/10/82. 47 FR 14366. This action was taken because of adverse acute and chronic health effects that can be caused by inhalation of formaldehyde gas emitted from the product.	Commission promulgated final rule 4/2/82 47 FR 14366; final action effective 8/10/82 47 FR 14366.	Ron Medford, OPM, (301) 492-6554.
Consumer Product Safety Standard for omnidirectional citizens band (CB) base station antennas.			Commission promulgated final rule 8/19/82 47 FR 36186; final action effective 2/25/83 47 FR 36186.	Carl Blechschmidt, OPM, (301) 492-6554.

SEMIANNUAL REGULATORY FLEXIBILITY AGENDA ENTRIES—Continued

Title	Legal authority/CFR citation	Abstract	Timetable	Agency contact
Other:				
Infant Strangulations		Based on Commission guidance of May 20, 1982 this regulatory activity is being withdrawn. The Commission has decided to gather additional information and to work with industry to solve identified problems..		Terri Rogers, OPM, (301) 492-6554.
Safety standard for architectural glazing materials; partial revocation of standard concerning modulus of elasticity test, hardness test, and indoor aging test for plastic glazing materials.			Commission promulgated final rule 6/28/82 47 FR 27853; final rule effective 7/28/82; 47 FR 27853.	Wade Anderson; Directorate for Compliance and Administrative Litigation, (301) 492-6400.
Prednisone tablets exemption.			Commission promulgated final exemption 9/14/82; 47 FR 40407.	Virginia White, Directorate for Health Sciences, (301) 492-6957.

[FR Doc. 82-27934 Filed 10-27-82; 8:45 am]

BILLING CODE 6355-01-M

federal register

Thursday
October 28, 1982

Part XXXIX

Federal Communications Commission

Unified Agenda of Federal Regulations

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda.

SUMMARY: The Commission publishes the Unified Agenda (formerly entitled the Semi-Annual Agenda) to provide the public with adequate notice of all major and other significant proceedings under development or review. The agenda also provides the CFR Citations and Legal Authorities which govern these proceedings. This is in accordance with Executive Order 12291 and OMB Bulletin No. 82-16. In addition, the agenda, in compliance with the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) includes notations on the applicability of the Regulatory Flexibility Act to each item. The Unified Agenda will be published in the Federal Register in April and October of each year.

DATE: The information is as of October 1982.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudette Pride, Office of the Managing Director, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

Unified Agenda of All Major and Other Significant Proceedings

The Commission encourages public participation in the FCC rule making process. To help keep the public informed of significant rule making proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB will publish the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rule Making or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g. Docket 78-1 or Docket 79-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "BC Docket 79-164." When a docket number consists of only five digits (e.g. Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on given topic. A Comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rule Making (NPRM)—issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rule making, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

Rule Making (RM) Number—assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rule making, but before the Commission has taken action on the petition.

William J. Tricarico,

Secretary, Federal Communications Commission.

BUREAU/OFFICE: FIELD OPERATIONS BUREAU

Title of Proceeding, Rulemaking or Docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Requirements for Licensed Operators in Various Radio Services (RM-2643, General Docket 82-——).	No	47 CFR, Parts 13, 21, 23, 73, 74, 78, 81, 83, 87, 90 and 95.	Sections 303(r) and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 303(r) and 154(i).	Notice of Proposed Rulemaking will propose removing rules which require that certain operating, maintenance and installation duties be performed only by licensed commercial radio operators. Also, will propose longer license term and elimination of some unnecessary restrictions. Action proposed would be deregulatory and involves no costs. Benefit will be reduction of burden on radio station licensees.	Notice of Proposed Rulemaking—October 1982. Report and Order—May 1983. Contact Persons: *Part 13*—B. C. Jackson, Jr., Chief, Radio Operator Branch, Regional Services Div., Field Operations Bur., Federal Communications Commission Washington, D.C. 20554, phone 202/632-7240. *Part 21*—James R. Keegan, Chief, Domestic Facilities Div., Common Carrier Bureau, Federal Communications Commission, Washington, D.C. phone 202/634-1860. *Part 23*—Theodone R. Waddell, Chief, Domestic Radio Branch, Domestic Facilities Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 phone 202/634-1706. *Parts 73 and 74*—William H. Hassinger Engineering Assistant to Chief, Broadcast Bureau, Federal Communications Commission, Washington, D.C. 20554 phone 202/632-6460. *Part 78*—Clifford H. Paul, Chief, Microwave Br., Special Relief and Microwave Division, Federal Communications Commission, Cable TV, Washington, D.C. 20554, phone 202/254-3420. *Parts 81, 83 and 87*—Charles D. Fisher, Chief, Aviation and Marine Branch, Special Services Div., Private Radio Bureau, Washington, D.C. 20554 phone 202/632-7175.

BUREAU/OFFICE: FIELD OPERATIONS BUREAU—Continued

Title of Proceeding, Rulemaking or Docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
					Part 90—John B. Richards, Deputy Chief, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, phone 202/634-2443. *Part 95*—John B. Johnston, Chief, Personal Radio Branch, Special Services Div., Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, phone 202/632-4964.
Age and Experience Requirements for Radiotelegraph First Class Operator License (RM-2687/RM-3785).	No	47 CFR 13.12	Sections 303(r) and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 303(r) and 154(i).	Requests elimination of age and experience requirements for Radiotelegraph First Class Operator License. Adoption would result in increased costs to agency of approximately $10,000 to process additional applications.	Action by December 1982, B.C. Jackson, Jr., Chief, Radio Operator Brahch, Regional Services Div., Field Operations Bur., Room 728, 1919 M Street NW., Washington, D.C. phone, 202-632-7240.

BUREAU/OFFICE: PRIVATE RADIO

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
RM-4039: Temporary Licensing of Community Repeaters in the Special Industrial Radio Service.	Yes	47 CFR 1,2,90	47 U.S.C. 154(i), 303(r)	Petitioner requests amendment of Parts 1, 2, and 90 to implement a system of temporary licensing for add-on users of multiple-licensed mobile relay systems operating in the Special Industrial Radio Service.	2nd Qtr. FY 1983 for NPRM: Stephanie Spernak, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
Docket 18921: Multiple Licensing in the Private Land Mobile Radio Services below 800 MHz.	No	47 CFR 90	47 U.S.C. 154(i), 303(r)	Various petitions for reconsideration and clarification of the Commission's March 1982 Report and Order in this proceeding have been received.	2nd Qtr. FY 1983 for Memorandum Opinion and Order: Stephanie Spernak, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
Docket 19309: Shared arrangements with third-party involvement in the Private Microwave Services.	Yes	47 CFR 94	47 U.S.C. 154(i), 303(r)	Proceeding addresses the methods by which licensees may avail themselves of microwave transmission facilities.	3rd Qtr. FY 1983 for FNPRM: Fred Day, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
Docket 19671: Transmission of Entertainment Programs using Business Radio Service Frequencies.	No	47 CFR 94	47 U.S.C. 154(i), 303(r)	Proceeding regards the content of microwave transmission in the Private Radio Services. Petitions for reconsideration have been received of the Commission's May 1981 Report and Order in this proceeding.	2nd Qtr. FY 1983 for Memorandum Opinion and Order: Fred Day, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
Docket 20813:	No	47 CFR 81	47 U.S.C. 154(i), 303(r)	Disposes of several petitions and reconsiders R&O implementing changes in frequencies, procedures and standards relating to radio-telegraphy.	1st Qtr. FY 1983 for Order: Walt Weaver, Aeronautical & Marine Specialist, Special Services Division FCC, Washington, DC 20554, (202) 632-7175.
Docket 20846: Telephone Interconnection in the Private Land Mobile Radio Services.	No	47 CFR 90	47 U.S.C. 154(i), 303(r)	Various petitions for reconsideration and clarification of the Commission's March 1982 Report and Order in this proceeding have been received.	2nd Qtr. FY 1983 for Memorandum Opinion and Order: Jack Richards, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
Docket 78-67:	No	47 CFR 81	47 U.S.C. 154(i), 303(r)	Addresses interconnection and upgrading of public coast facilities.	2nd Qtr. FY 1983 for Report and Order: Walt Weaver, Aeronautical & Marine Specialist Special Services Division, FCC, Washington, DC 20554, (202) 632-7175.
Docket 79-140: New Personal Radio Services at 900 MHz.	Yes	47 CFR 95	47 U.S.C. 154(i), 303(r)	Looks toward establishment of a new Personal Radio Service at 900 MHz.	1st Qtr. FY 1983 for Order terminating NOI: Steven Lett, Electronics Engineer, Special Services Division, FCC, Washington, DC 20554, (202) 632-4964.
PR Docket 81-416: Amendment of Rules concerning medical services operations in the 450-460 MHz band in the Special Emergency Radio Service.	No	47 CFR 90	47 U.S.C. 154(i) 303(r)	Inquiry into the problems, as well as the regulatory and deregulatory requirements for systems operating in the Special Emergency Radio Service.	2nd Qtr. FY 1983 for NPRM: Art King, Land Mobile Specialist, FCC, Washington, DC 20554, (202) 634-2443.
Docket 82-36: INMARSAT Requirements.	No	47 CFR 83	47 U.S.C. 154(i), 303(r)	Amends the Commission's rules to conform with the maritime mobile-satellite requirements of the International Maritime Satellite (INMARSAT) Organization.	1st Qtr. FY 1983 for Report and Order: William Berges, Electronics Engineer, Special Services Division, FCC, Washington, DC 20554, (202) 632-7175.
PR Docket 82-84: Recodification of GMRS Rules.	No	47 CFR 97	47 U.S.C. 154(i), 303(r)	Reviews and codified General Mobile Radio Service Rules.	2nd Qtr. FY 1983 for Report and Order: Maurice J. DePont, Attorney-Advisor, Special Services Division, Washington, DC 20554, (202) 632-4964.
PR Docket 82-121: Allocation of frequencies in the 72-76 MHz band for use by Operatinal-Fixed stations in the Automobile Emergency, Manufacturres, Telephone Maintenance and Taxicab Radio Services.	Yes	47 CFR 94	47 U.S.C. 154(i), 303(r)	Proposal to allow the use of operational-fixed radio links in the 72-76 MHz band to control multiple base stations.	2nd Qtr. FY 1983 for Report and Order. Reply comment period closed May 4, 1982. Eugene Thomson, Electronics Engineer, FCC, Washington, DC 20554, (202) 634-2443.

BUREAU/OFFICE: PRIVATE RADIO—Continued

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Docket 82-182: Aeronautical stations log requirements and airport ground frequencies.	Yes	47 CFR 87	47 U.S.C. 154(i), 303(r)	Deletes logging requirements in aviation services; makes frequency 122.050 MHz available to air carriers as well as private aircraft; provides frequencies for communications between aircraft on the airport ramp and service organizations.	1st Qtr. FY 1983 for Report and Order. Robert McNamara, Deputy Chief, A&M Branch, Special Servivces Division, FCC, Washington, DC 20554, (202) 632-7175.
PR Docket 82-183: Amendment of Part 90 to eliminate the need for a separate authorization to operate speed detection devices in the Police and Local Government Radio Services.	Yes	47 CFR 90	47 U.S.C. 154(i), 303(r)	Proposal tro allow Police and Local Government police licensees of stations, as part of their authorization, to operate any number of radar units without prior specific Commission approval.	2nd Qtr. FY 1983 for Report and Order. Reply comment period closed May 25, 1982: Art King, Land Mobile Specialist, FCC, Washington, DC 20554, (202) 634-2443.
PR Docket 82-226: Frequency Coordination in the Business Radio Service.	No	47 CFR 90	47 U.S.C. 154(i), 303(r), Pub. L. 97-259, Commun. Act, Amendments of 1982.	Inquiry regarding frequency coordinating committees and the need for new rules to govern the Commission's frequency coordination and field study procedures in the Private Land Mobile Radio Services.	3rd Qtr. FY 1983 for NPRM. Reply comment period closed August 5, 1982 Eugene Thomson, (202) 632-6497.
PR Docket 82-373: Part 94 Technical Standards.	Yes	47 CFR 94	47 U.S.C. 154(i), 303(r)	Amendment of the rules to extend "grandfathering" and antenna standards for private microwave radio systems, in cases where no inter-system interference will result.	2nd Qtr. FY 1983 for Report and Order. Reply comment period closed August 31, 1982. Fred Day, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
PR Docket 82-470: Digital Data Transmission below 800 MHz.	Yes	47 CFR 90	47 U.S.C. 154(i), 303(r)	To accommodate the expansion of digital/data operations in the private land mobile radio services, it was proposed to eliminate limitations on non-voice transmissions.	3rd Qtr. FY 1983 for Report and Order. Reply comment period closed September 29, 1982. Keith Plourd, Electronics Engineer, FCC, Washington, DC 20554, (202) 634-2443.
PR Docket 82-624: Amateur Power Measurement Changes.	No	47 CFR 97	47 U.S.C. 154(i), 303(r)	Changes method of Power measurements required for Amateur Radio Service licensees from input power to output power.	4th Qtr. FY 1982 for NPRM: Steve Lett, Electronics Engineer, Special Services Division, FCC, Washington, DC 20554, (202) 632-4964.
GEN Docket 82-625: Amendment of rules to provide HF spectrum for use by eligibles in the Special Industrial, Petroleum, Telephone Maintenance and Power Radio Services.	No	47 CFR 2.90	47 U.S.C. 154(i), 303(r)	Proposal to provide HF radio links for the long distance communications requirements of eligibles for operations in the national interest.	3rd Qtr. FY 1983 for Report and Order. Comments close Oct. 14, 1982; reply comments close Oct. 29, 1982. Keith Plourd, Electronics Engineer, FCC, Washington, DC 20554, (202) 634-2443.
Amateur No-Code:	No	47 CFR 97	47 U.S.C. 1540(i), 303(r)	Deletes slow speed requirement for amateur technician class permit and adds new digital class operator permit in the ARS.	1st Qtr. FY 1983 for NPRM: Steve Lett, Electronic Engineer, Special Services Division, FCC, Washington, DC 20554, (202) 632-4964.
Delicense CB and R/C Radio Service.	No	47 CFR 95	Pub. L. 97-259	Authorizes Commission to cease individual licensing in the CB and Remote Control (R/C) Radio Services.	1st Qtr. FY 1983 for NPRM: John Borkowski, Attorney-Advisor Special Services Division, FCC, Washington, DC 20554, (202) 632-4964.
Volunteer Examiners for Amateur Radio Service.	No	47 CFR 97	H.R. 3239	Authorize Commission to use volunteers to prepare and administer written examinations required in the Amateur Radio Service.	1st Qtr. FY 1983 for NPRM: John Borkiowski, Attorney-Advisor, Special Services Division, FCC, Washington, DC 20554, (202) 632-4964.
Digital Selective Calling (DSC)	No	47 CFR 83	47 U.S.C. 154(i), 303(r)	Provides initial guidelines for use of DSC in the Marine Services. The new global distress system and USCG will utilize DSC in the future. This action provides a means for voluntary utilization of DCS Techniques prior to any future required safety system.	2nd Qtr. FY 1983 for NPRM: Robert Mickley, Communications Specialist, Special Services Division, FCC, Washington, DC 20554, (202) 632-7175.
Ship Inspections	No	47 CFR 83	47 U.S.C. 154(i), 303(r)	Analyzes entire compulsory ship inspection program for inspection frequency and issuance of certificates. Proposes to change cycles of inspection for Title III, Part III (small passenger) vessels delegate authority to field engineers to extend Title III, Part III certificates up to 90 days and identifies needed legislative change to Sectioin 362(b) of the C.A., and defines "passengers for hire" and persons on board for business of the boat.	2nd Qtr. FY 1983 for Report and Order. Req. for legislative change. Nicholas Bagnato, Aeronautical and Marine Specialist, Sepecial Services Division, FCC, Washington, DC 20554, (202) 632-7175.

BUREAU/OFFICE: PRIVATE RADIO; COMPLETED ACTIONS

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
PR Docket 79-191: Release, Allocation and Criteria for Use of the 250 Remaining Channels in the 800 MHz Band.	Yes	47 CFR 90	47 U.S.C. 154(i), 303(r)	All remaining 250 channels in the 800 MHz band were released for use by private land mobile radio systems under a deregulatory framework.	Report and Order adopted by Commission July 22, 1982. Stephanie Spernak, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
GEN Docket 80-183: Allocation of spectrum for one-way paging stations in the 900 MHz band.	Yes	47 CFR 90	47 U.S.C. 154(i), 303(r)	Forty channels were released in the 900 MHz band for private user and private carrier paging systems.	Second Report and Order adopted by Commission July 22, 1982. Stephanie Spernak, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.

BUREAU/OFFICE: OFFICE OF PLANS AND POLICY

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
UHF Television Receiver Noise Figures, Docket 21010.	Yes	47 CFR 15.66	Sections 4(i), 303(g), 303(r), 303(s) and 403 of the Communications Act of 1934, as amended.	The Commission will be considering whether to reduce the maximum allowable UHF television receiver noise figure. "Noise Figure" is a technical measure for one of the factors that influences how well a television receiver displays a weak signal.	*NPRM* first quarter of FY 1983. Contact: Phil Gieseler, 653-5940.

Bureau/Office: United Agenda of Federal Regulations, Broadcast Bureau—Federal Communications Fiscal Year 1983

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
R&O/D. 81-741	No	47 CFR	47 U.S.C., Pt. 73	Authorize use of teletext by TV stations	1st Qtr: Allen Stillwell, 632-6302.
Policy statement	No	47 CFR	47 U.S.C., Pt. 73	Issue Policy Statement as a result of the recommendations of the Advisory Committee on Financing for Minorities.	1st Qtr: Holly Berland, 632-7792.
R&O/D. 81-793	No	47 CFR	47 U.S.C., Pt. 74	Amend and relax Broadcast Auxiliary Service Rules in Part 74.	1st Qtr: James McNalley, 632-9660.
MO&O/D. 80-190	No	47 CFR	47 U.S.C., Pt. 73	Reconsideration of the Report and Order eliminating the Financial Report Form 324.	1st Qtr: Brian Fontes, 632-6302.
NPRM/D. 79-145	No	47 CFR	47 U.S.C., Pt. 73	TV waveform standards concerning horizontal and vertical blanking intervals.	1st Qtr: Herb Zeiler, 632-9660.
R&O/D. 21502	No	47 CFR	47 U.S.C., Pt. 73	Amend rules concerning technical operation of STV stations.	1st Qtr: Freda Thyden, 632-7792.
MO&O/D. 78-253	No	47 CFR	47 U.S.C., Pt. 73	Reconsideration of the Report and Order regarding Low Power TV.	1st Qtr: Edyth Wise, 632-6302.
R&O/D. 82-1	No	47 CFR	47 U.S.C., Pt. 73	Eliminate restriction on noncommercial educational stations using their subcarrier frequencies for revenue generating purposes.	1st Qtr: Jonathon David, 632-7792.
NPRM	No	47 CFR	47 U.S.C., Pt. 73	Amend the rules which limit station ownership to 7 AM, 7 FM and 7 TV stations for a single ownership entity.	2nd Qtr: Steve Booksheste, 632-7792.
R&O/D. 82-20	No	47 CFR	47 U.S.C., Pt. 74	Amend Part 74 rules to provide for operation of microwave boosters.	2nd Qtr: Ralph Smith, 632-9660.
NPRM	No	47 CFR	47 U.S.C., Pt. 73	Amend rules to permit a variety of video services in the ITFS Band (2500-2690 MHz).	2nd Qtr: Terri Freundlich, 632-6302.
R&O/D. 82-374	No	47 CFR	47 U.S.C., Pt. 73	Amend rules pertaining to dual city identification of AM, FM and TV stations.	2nd Qtr: Roger Holberg, 632-7792.
R&O/D. 20735	No	47 CFR	47 U.S.C., Pt. 73	Establish Table of Assignments for noncommercial educational FM stations.	2nd Qtr: Jim McNally, 632-6990.
R&O/D. 81-698	No	47 CFR	47 U.S.C., Pt. 73	Delete rules requiring use of type-approved modulation monitors at AM, FM and TV stations.	2nd Qtr: Kate Hosford, 632-9660.

BUREAU/OFFICE: CABLE TELEVISION BUREAU

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Franchise Fees: Docket 21002	Yes	47 CFR § 76.31	47 U.S.C. 2-4, 301, 303, 307-308, 309.	Amend 76.31 to eliminate rule limiting local cable television franchise fees to 3% of a system's gross revenues.	*FNPRM in Docket 21002*, 71 FCC 2d 569 (1979), Robert Ratcliffe, 632-6468, 3rd Quarter.
Aeronautical Interference: Docket 21006.	Yes	47 CFR § 76.605	47 U.S.C. 2-4, 301, 303, 307-308, 309.	Amend 76.605 relating to rules to protect aeronautical communications and navigation radio services from cable radiation interference.	*FNPRM in Docket 21006*, 76 FCC 2d 311 (1980), Stephen Bailey, 632-6468, 1st Quarter.
Saturated Cable TV Systems: Docket 21472.	Yes	47 CFR § 76, Subpart D	47 U.S.C. 2-4, 301, 303, 307-308, 309.	Amend Part 76 relating to situations where cable TV's required to carry more broadcast signals than there is available channel capacity.	*NPRM in Docket 21472*, 66 FCC 2d 710 (1977), Stephen Bailey, 632-6468, 4th Quarter.
Cable TV Financial Report Form: Docket 82-528.	Yes	47 CFR § 76.403	47 U.S.C. 2-4, 301, 303, 307-308, 309.	Proposes elimination of cable television financial reporting form (Form 326).	*NPRM in Docket 82-528*, Robert Ratcliffe, 632-6468, 2nd Quarter.
Network-Cable TV Cross-ownership: Docket 82-434.	No	47 CFR § 76.501	47 U.S.C. 2-4, 301, 303, 307-308, 309.	Proposes elimination of restrictions on television network-cable system cross-ownership found in 76.501.	*NPRM in Docket 82-434*, FCC 82-364. Robert Ratcliffe, 632-6468, 4th Quarter.
TV-Cable Ownership Divestiture; Docket 20423.	Yes	47 CFR § 76.501	47 U.S.C. 2-4, 301, 303, 307-308, 309.	Proposed amendment to 76.501 requiring that there be a required divestiture of common ownership between co-located TV stations and cable television system.	*FNPRM in Docket 20423*, 81 FCC 2d 150 (1980), Robert Ratcliffe, 632-6468, 2nd Quarter.

BUREAU/OFFICE: OFFICE OF SCIENCE AND TECHNOLOGY

Title of proceeding, rulemaking, or docket number	RFA	CFR citation	Legal authority	Abstract	Timetable/contact person
Offshore Telephone Co., RM-3924.	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM will propose use of UHF-TV 15 and 16 in the Gulf of Mexico for additional telecommunications service.	NPRM, 1st quarter, FY 83. Contact: Harding Chism, 653-8166.
Meteor Burst Communication Service RM-3685.	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM proposes use of 4 frequencies in the 40-50 MHz band for common carrier use in Alaska.	NPRM, 1st quarter, FY 83. Contact: Sam Tropea, 653-8167.
Air-ground radiotelephone service RM-3524 (Airfone, Inc.).	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM proposes 4 MHz in the 900 MHz range for air-to-ground telephone service aboard commercial airlines.	NPRM, 1st quarter, FY 83. Contact: Mel Murray, 653-8168.
Air-ground radiotelephone service RM-3885 (ARINC).	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM proposes 4 MHz in the 900 MHz range for air-to-ground telephone service aboard commercial airlines.	NPRM, 1st quarter, FY 83. Contact: Mel Murray, 653-8168.
NPRM—Amendment of Part 5 of the Commission's Rules to Diminish Restrictions on the licensing and use of stations in the Experimental Radio Service (other than Broadcast) General Docket No. 82-469.	Yes	47 CFR 5	47 U.S.C. 303	Rewrite of Part 5 to delete rules which are no longer useful and eliminate or reduce regulatory restrictions.	R&O 2nd quarter, FY 83. Contact: H. F. Wright, 653-8137, John Williams, 632-9073.
18GHz reallocation, Gen. Docket 79-188.	No	47 CFR 2.106	47 U.S.C. 303	Second R&O will provide narrow band channels for point-to-point fixed use as well as spectrum for DTS usage.	Second R&O, 2nd quarter, FY 83. Contact: Mel Murray, 653-8168.
Implementation of Final Acts, WARC-79 (80-739).	Yes	47 CFR 2.106	47 U.S.C. 303	Proceeding will amend Part 2 of the Rules (Definition and Frequency Allocations) to make them consistent with international Radio Regulations developed by the 1979 WARC.	Notice of Proposed Rulemaking in 1st quarter, FY 83. Contact: Fred Thomas.
Reaccommodation of 12 GHz Terrestrials (Docket to be assigned).	Yes	47 CFR 2.106	47 U.S.C. 303	Proceeding will provide frequency allocations/technical standards to accommodate 12 GHz fixed service licensees who may be displaced by broadcasting-satellite systems.	Notice of Proposed Rulemaking in 1st quarter, FY 83. Contact: Donald D. Campbell.
Allocation for 900 MHz Personal Radio Service (79-140).	Yes	47 CFR 2.106	47 U.S.C. 303	Proceeding intended to provide a frequency allocation/technical standards for a new personal radio service of much superior quality in comparison to the CB service.	Notice of Proposed Rulemaking in 1st quarter, FY 83. Contact: Rodney Small.
UTC Power Line Carrier petition Gen. Docket 82-9.	Yes	47 CFR 2.106	47 U.S.C. 303	Request to provide regulatory recognition and protection for power line carrier operations of electric utilities in the 10-490 kHz bands.	Report and Order, 1st quarter, FY 83. Contact: Sam Tropea, 653-8167.
L.A. Sheriff's Petition, RM-3975.	No	47 CFR 2.106	47 U.S.C. 303	Petition requests reallocation of UHF-TV channels 14-20 to public safety services.	Issues paper to Chief Scientist—1st quarter, FY 83. Contact: Maureen Cesaitis, 653-8164.
Petitions for reconsideration of 38.8-40 GHz allocation, Gen. Docket 81-415.	No	47 CFR 74.661	47 U.S.C. 303	Petition requests relaxation of adopted 0.005% frequency stability.	Memorandum Order and Opinion, 2nd quarter, FY 83. Contact: Harding Chism, 653-8166.
U.S.C.G. request to use 161.7 and 161.75 MHz.	Yes	47 CFR 2.106	47 U.S.C. 303	USCG requests use of 161.7 MHz and 161.75 MHz to transmit printed navigational information to vessels, communicate by voice to foreign vessels, and use for search and rescue operations.	NPRM, 2nd quarter, FY 83. Contact: Sam Tropea, 653-8167.
Utilization Policy for Fixed Service at 17-40 GHz (82-334).	No	N/A	47 U.S.C. 303	Proceeding will develop a plan for use of five frequency bands between 17 and 40 GHz by the fixed service. Appropriate rulemaking may ensue.	FCC Report in 3rd quarter, FY 83. Contact: Donald Campbell.
Petition for allocation of cordless phones (EIA), RM-4075.	Yes	47 CFR 2.106	47 U.S.C. 303	EIA requests allocation of 74.6-74.8 MHz and 75.2-75.4 MHz for cordless phones.	NPRM, 3rd quarter, FY 83. Contact: Mel Murray, 653-8168.
Petition for allocation of cordless phones (Mura Corporation), RM-4062.	Yes	47 CFR 2.106	47 U.S.C. 303	Mura requests allocation of frequencies in the bands: 46.6-47.0 MHz & 49.6-50 MHz for cordless phones on a secondary basis.	NPRM, 3rd quarter, FY 83. Contact: Mel Murray, 653-8168.
6 MHz allocation for gov't/non-gov't fixed, Gen. Docket 82-243.	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM proposes two 3 MHz bands for low capacity fixed usage. Bands would be shared between gov't and non-gov't on a co-primary basis.	Report & Order, 3rd quarter, FY 83. Contact: Maureen Cesaitis, 653-8164.
80-784, Test Procedures for Computing Devices.	Yes	47 CFR 15	47 U.S.C. 302	Petition for minor revisions of testing procedures for computing systems.	1st Quarter 1983, Julus Knapp, 653-8247.
79-244, TV Interface Devices, Proposed.	No	47 CFR 15.401	47 U.S.C. 302	Relaxation of rules for authorizing devices which interfere with TV receivers.	1st Quarter 1983, Art Wall, 653-8247.
81-743, Microwave Transmitters Bandwidth.	Yes	47 CFR 21.710	47 U.S.C. 301	Expansion of the numbers of channels permitted for use by microwave transmitters.	3rd Quarter 1983, Al Paul, 653-6288.
RM-2881—Swept frequency security devices.	Yes	47 CFR 15.301	47 U.S.C. 41i	Permit sweep frequency devices for Part 15 devices.	3rd Quarter 1983, John Williams, 632-7073
RM-4178, Wireless TV Systems.	Yes	N/A	47 U.S.C. 302	Permit use of low power TV transmitter to transmit back to a regular TV for security purposes.	3rd Quarter 1983 Herman Garlan 653-8247
Docket 20780, Part 15 Revision.	Yes	47 CFR 15.834	47 USC 302	Relaxation of the Certification Requirement for certain electronic games and computers.	4th Quarter 1983, Art Wall, 653-8247.
Docket 20718, Part 18 Revision.	Yes	47 CFR 18	47 U.S.C. 302	Combining of Rules and elimination of the equipment authorization requirement or certain equipment regulated under Part 18 of the Rules.	4th Quarter 1983, Art Wall, 653-8247.

BUREAU/OFFICE: OFFICE OF SCIENCE AND TECHNOLOGY—Continued

Title of proceeding, rulemaking, or docket number	RFA	CFR citation	Legal authority	Abstract	Timetable/contact person
Allocation for Aural Broadcast STL's, General Docket 82-335.	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM proposes sharing of 2130-2150 MHz and 2180-2200 MHz bands on a co-primary basis for aural broadcasts STL's and private operational fixed links.	Report & Order, 3rd quarter, FY 83, Contact: Sam Tropea, 653-8167
Docket 20990, Low Power Devices.	Yes	47 CFR 15.205	47 U.S.C. 302	Increase permitting power and eliminate time restrictions for operation for cetain security devices.	2nd Quarter 1983, Herman Garlan, 653-8247
Docket 20746, Extension of Receiver Certification.	No	N/A	47 U.S.C. 41i	Issuance of Order denying petition to extend certification of receivers to more frequencies than are currently applicable.	2nd Quarter 1983, Art Wall, 653-8247
79-190, Flight Entertainment System.	No	N/A	47 U.S.C. 4i	Order dismissing request for authority to operate in-flight cordless earphone system.	2nd Quarter 1983, Art Wall, 653-8247
RM-4120, Perimeter Protection System.	Yes	47 CFR 15.301	47 U.S.C. 302	Relaxation of Part 15 rules to permit certification of a perimeter security system.	3rd Quarter 1983, Art Wall, 653-8247
Waiver, Cordless Phones	No	47 CFR 15.7	47 U.S.C. 302	Setting of interim standards for cordless phone pending procedures for reallocation of spectrum.	1st Quarter 1983, Art Wall, 653-8247
Report on Verification, Categories.	Yes	N/A	47 U.S.C. 302	Determination of categories of equipment to be placed in Verification category, instead of certification requirement.	Ongoing, John Reed, 653-6288.
82-162, HF Broadcasting WARC (1984).	No	N/A	47 U.S.C. 41i	Develop a worldwide high frequency (shortwave) broadcasting plan.	2nd Quarter 1983, Steve Selwyn, 653-8102.
80-741, Space Services WARC (1985).	No	N/A	47 U.S.C. 41i	This proceeding is in preparation for the ITU World Administrative Radio Conference on the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It.	3rd Quarter 1983, Thomas Tycz, 653-8102.
80-398, 1983 BSS WARC	No	N/A	47 U.S.C. 41i	The Region 2 Broadcasting-Satellite Service (BSS) Conference involves the development of position papers. The drafting of FCC recommended proposals and participation on the delegation to the Conference.	1st Quarter 1983, Edward Jacobs, 653-8102.
Digital Protocol NOI				The NOI will elaborate on the need for the prohibition on protocol conversion in "basic services" put forth in the Commission's Computer II Decision.	1st Quarter 1983, Jim Vorhles, 653-9097
Inband Technical Standards (NOI).				The NOI will be a broad review of FCC Technical Standards with a view towards eliminating unnecessary regulations.	1st Quarter 1983, John Williams, 632-7073.

BUREAU/OFFICE: COMMON CARRIER BUREAU—ACCOUNTING AND AUDITS DIVISION

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Amendment to USOA, Part 31, for Telephone Carriers (RM 4084).	No	47 CFR 31	47 U.S.C. 154, 219, 220	Proposed amendment of USOA to change accounting treatment for certain telephone plant per carrier Petition for Rulemaking.	Petition for rulemaking filed 3/15/82. Public Notice was issued on 4/5/82 (Report #1344). Comments were received and a NPRM is due before the Commission by 10/82 with a final order due by 12/82. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L Street NW., Suite 812, Washington, D.C., (202) 634-1861.
Amendment to the USOA, Part 31, for telepholne carriers CC 82-185.	No	47 CFR 31	47 U.S.C. 154, 219, 220	An NPRM was issued which proposed amendments to the USOA to raise the dollar criteria prescribed in certain USOA sections wherein, depending upon the amount of annual revenues, companies must submit, for approval, journal entries recording the acquisition of telephone plant. Comments were received and an MO&O is being developed. Raising the revenue amounts would eliminate reporting requirements and reduce the burdens on some smaller companies.	This NPRM was issued on April 1, 1982. Comments were filed on or before 6/3/82. The MO&O should reach the Commission in Oct. 1982. Gerald P Vaughan, Chief, Accounting and Audits Div., 2000 L Street NW., Suite 812, Washington, D.C., (202) 634-1861.
CC 82-475, (RM 3926), Amendment of Annual Reports Form O and R.	No	47 CFR 34, 47 CFR 35	47 U.S.C. 154(i), 47 U.S.C. 219, 47 U.S.C. 220.	A Notice of Proposed Rulemaking was issued proposing the revision and/or elimination of certain Annual Form O and R schedules for the purpose of eliminating unnecessary reporting requirements and reducing carrier reporting burdens. Comments were received and a final Memorandum Opinion and Order is being prepared.	NPRM was issued on August 4, 1982 (FCC 82-362). Comments were received by Sept. 22, 1982 and reply comments are due by Oct. 7, 1982. Final Order should be to the Commission in Dec. 1982/Jan. 1983. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L Street NW., Suite 812, Washington, D.C., (202) 634-1861.

BUREAU/OFFICE: COMMON CARRIER BUREAU—ACCOUNTING AND AUDITS DIVISION—Continued

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Deregulation of Inside Wiring CC 79-105.	Yes	47 CFR 31	47 U.S.C. 154, 219, 220	Question was raised in a Notice of Inquiry in CC 79-105 as to the proper accounting and regulatory affect and status of inside wiring. Proper treatment for "complex" inside wiring is being handled in a separate NPRM. "Simple" inside wiring is being closed into CC 81-216.	The FNOI was issued on May 26, 1981. The NPRM re complex wiring should be to the Commission in Sept./Oct., 1982. Simple becomes a part of CC 81-216. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L Street NW., Suite 812, Washington, D.C., (202) 634-1861.
Equal Life Group Method of Calculating Depreciation Rates.	No	47 CFR 31	47 U.S.C. 220	Approval of ELG depreciation rates subject to implementation in 1982.	Before the Commission by 1/31/82. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L Street NW., Suite 812, Washington, D.C., (202) 634-1861. Next action by 1/83.
Represcription of Depreciation Rates for 1982.	No	47 CFR 31	47 U.S.C. 220	Annual represcription of depreciation rates.	Before the Commission by 1/31/82. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L Street NW., Suite 812, Washington, D.C., (202) 634-1861. Next Action by 1/83.
Amendment of Annual Form M for telephone companies CC 82-513.	No	47 CFR 31	47 U.S.C. 154, 219, 220	This NPRM proposed to modify and/or eliminate certain Form M schedules to accommodate the new depreciation practices dictated by CC 20188. These changes have limited impact upon reporting requirements and burden.	The NPRM was issued on August 16, 1982 (FCC 82-363). Comments are due by 9/22/82. Reply comments are due by 10/7/82. The final MO&O should be to the Commission in 12/82. Gerald P. Vaughan, (202) 634-1861.

BUREAU/OFFICE: COMMON CARRIER BUREAU—TARIFF DIVISION

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
CC 81-412, AT&T 1981 General Rate Increase.	No	NA	47 U.S.C. Section 151 et seq., 201-205, 214, 403, 4i, 4j.	AT&T 1981 General Rate Increase. Tariff filing (Trans. 13703-13708) for a general rate increase suspended and set for investigation.	First quarter FY 1983 Staff is reviewing support data. Kent Nakamura, 632-6917.
CC 79-246, AT&T Private Line Rate Structure Proceeding.	No	NA	47 U.S.C. Section 151 et seq., 201-205, 214, 403, 4i, 4j.	Inquiry into AT&T private line tariff rate structures and volume discount policies.	First quarter FY 1983 staff is reviewing comments and replies, Leonard Kennedy, 632-6917.
CC 79-252, Competitive Carrier Rulemaking.	Yes	47 CFR Parts 61, 63	47 U.S.C. Section 151 et seq. 201-205, 214, 403, 4i, 4j.	The Commission is considering whether to designate additional classes of carriers as non-dominant thereby affording them the benefit of streamlined regulatory treatment.	N.O.I. 77 FCC 2d, 308 (1979), 1st R&O: 85 FCC 2d, (1980), Further NOI: 84 FCC 445 (1981), 2nd R&O: CC 79-252, FCC-82 350, released August 20, 1982. Next stage: Second quarter FY 1983 Anne Coffey, 632-6917.

BUREAU/OFFICE: COMMON CARRIER BUREAU—INTERNATIONAL FACILITIES AUTHORIZATION DIVISION

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Overseas Communications Services. Docket No. 80-632.	No	None	NPRM issued pursuant to Sections 4(i), 4(j), 201, 202, 204, 205, 214 and 403 of the '34 Act and Section 553(b) of APA.	The Commission has tentatively concluded that voice/record dichotomy in international services no longer serves the public interest. This NPRM proposes to permit the IRCs to provide international voice services and AT&T to provide international record services.	All pleadings have filed. Report and Order in preparation. Item projected to go to Commission by year-end 1982; Stuart Chiron, 632-7265.
Comsat Structure Docket No. 80-634.	Yes	None	Final Order issued pursuant to 4(i), 201-205, 214, 215, 218, 220, 303, 309, and 403 of the 1934 Act. Sections 102(c), 201(c) & 401 of the Satellite Act; and Section 553(b) of the APA..	Comsat required to modify accounting system for reporting R&D and for allocating common costs; to make certain Intelsat and Inmarsat information available to the public; and to provide 90 day notice for any structural separation or any ventures which will require additional financing. Comsat also required to report to FCC within 9 months on extent these changes instituted. Comsat Labs permitted to remain within jurisdictional entity.	Item, which was released on August 13, 1982, established 90 day and 9 month filing requirements. James Ball, 632-7265.

BUREAU/OFFICE: COMMON CARRIER BUREAU—INTERNATIONAL FACILITIES PLANNING DIVISION

Title of Proceeding, Rulemaking or Docket No.	RFA	CFR Citation	Legal authority	Abstract	Timetable contact person
Earth Station Ownership Policy—CC 82-540.	No	None	Communications Act of 1934, as ammended, Sections 4(i) and 4(j) and 403.	An inquiry into the ownership of INTELSAT earth stations. Notice of Inquiry adopted 8-5-82; released 8-17-82.	2nd quarter 1983, J. Pearlman, 632-4047.
Direct Access to INTELSAT Space Segment CC—82-548.	No	None	Same	An inqiry into direct access to INTELSAT's space segment for U.S.I.S.C.'s Notice of Inquiry adopted 8-5-82; released 8-20-82.	2nd quarter 1983 G. Dechabert 632-4047.

BUREAU/OFFICE: COMMON CARRIER BUREAU—POLICY AND PROGRAM PLANNING DIVISION

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
CC 79-187—AT&T Earnings on Interstate and Foreign Services in 1978.	No	None	Sections 201-205 of the Communications Act, As Amended.	Inquiry to determine if AT&T's rate of return during 1978 exceeded the limits specified by the Commission in Docket 20376.	November 1982, Claudia Pabo, 632-9342.
CC 78-72 MTS-WATS Market Structure Inquiry.	No	No existing sections	Sections 201-205, and 218-221 of the Communications Act, As Amended.	Inquiry to determine whether the public interest requires interstate Message Telecommunications Service and/or WATS or their functional equivalents, to be provided on a sole source basis.	December 1982, Carl Lawson, 632-9342.
Jurisdictional Separations: Federal-State Joint Board to Amend Part 67 of FCC Rules.	No	Part 67	Sections 205(a), 221(c), and 410(c) of the Communications Act, As Amended.	Joint Board established to recommend changes where appropriate, to Separations Manual regarding exchange plant allocations, access and deregulation of customer premises equipment (CPE).	March 1983, James McConnaughey, 632-9342.

BUREAU/OFFICE: COMMON CARRIER BUREAU—MOBILE SERVICES DIVISION

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
CC 80-57—Revision of Rules Part 22.	Yes	47 CFR Part 22	Communications Act of 1934 as amended, Sections 1, 4(i), 4(j), 303 (g) and (r).	Comprehensive rewrite of Part 22 which governs licensing of common carrier mobile services.	NPRM released 9-8-82. Report and Order expected March 1983; Michael Menjus, 632-6450.

BUREAU/OFFICE: COMMON CARRIER BUREAU—DOMESTIC FACILITIES DIVISION

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
CC 80-584—Alaska Bush Satellite Service.	Yes	47 C.F.R. Section 25.391	47 C.F.R. Section 303(r)	Inquiry into ownership questions related to Alaska Bush Earth Stations.	October 1982, Cecily Holiday, 634-1682.
CC 81-704—Licensing of Space Stations in Domestic Fixed Satellite Svc.	Yes	47 C.F.R. Sections 25.201-25.209.	47 C.F.R. Section 303(r)	Inquiry into adopting a revised orbital deployment plan employing reduced spacing.	Comments and reply comments have been received. December, 1982, Ron Lepkowski, 634-1624.
CC 82-45—Satellite Transponder Sales.	Yes	None	47 C.F.R. Sections 154(i) & 154(j).	Inquiry into whether domestic satellite licensees may engage in the sale of transponders.	Final Decision adopted July 29, 1982, Domestic Facilities Div., Robert Mazer, 634-1627.
CC 81-216—Part 68 Omnibus Rulemaking.	No	47 CFR Part 68	47 USC Sections 201-05, Section 151, 154, Section 403.	1. Rule amendments to accommodate one and two-line business and residential wiring under Part 68, and decision regarding inclusion of party line service under Part 68. 2. Technical amendments to current Part 68 rules. 3. Revision to qualification standards for multi-line wiring. Section 68.215(c). 4. Decision regarding registration of CSU in DDS.	Second NPRM likely to be adopted Oct., 1982, Subsequent orders in 1983-84. NOI-NPRM, Apr., 1981. Jim Talens, 634-1832.

BUREAU/OFFICE: COMMON CARRIER BUREAU—ECONOMICS DIVISION

Title of proceeding, rulemaking or Docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
CC 81-893—Procedures for Implementing the Detariffing of CPE and Enhanced Services.	No	47 CFR 64.702, 47 CFR 31.	47 U.S.C. 4(i), 4(j) 201-205, 403, 404, 410.	In its Second Computer Inquiry (CC Docket 20828 the Commission ordered the detariffing of customer premises equipment and enhanced services. This proceeding addresses the procedures to be followed in fully implementing this decision.. An NPRM is being prepared to institute the accounting necessary for non-dominant carriers once CPE II goes into effect.	NOI: Adopted 12/17/81; 89 FCC 2d 694 (1981). NPRM: 1st quarter 1983. Contact: William Reece, Chief Economics Division, Room 530, 1919 M St. NW, Washington, D.C. (202) 632-4715. This NPRM will be before the Commission in October, 1982. A final order should be before the Commission in Dec. 1982 or Jan. 1983. On accounting matters contact Gerald P. Vaughan, Chief, Accounting and Audits Division, 2000 L St., NW, Suite 812, Washington, D.C. (202) 634-1861.

BUREAU/OFFICE: COMMON CARRIER BUREAU—ENFORCEMENT DIVISION

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Computer II Implementation Actions.	No	47 CFR, Section 64.702	Communications Act of 1934, as amended, 47 U.S.C. Sections 4(i) and 4(j).	Commission considers whether to approve AT&T's plan to further capitalize its subsidiary, American Bell, Inc., for the provision of customer premise equipment (CPE) after January 1, 1983, and for the provision of installation and maintenance services for Bell System business CPE (including that portion provided under tariff no later than July 1, 1984.	MO&O's in October and November 1982. James Mullins, 632-4887.

BUREAU/OFFICE: OFFICE OF GENERAL COUNSEL

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
NPRM—In the Matter of Revision of the Federal Communications Commission's Ethics in Government Rules.	No	47 C.F.R., Parts 1 & 19	Pub. L. No. 97-521; 18 U.S.C. § 207(j).	The Ethics in Government Act of 1978 contains financial reporting regulations which require certain high-level or policy-making employees to disclose their personal financial interests. The Act also contains restrictions on the post-employment activities of certain employees. Revisions in the Commission's rules may be made to reflect the provisions of the Act.	NPRM or memorandum, 1st quarter, FY 1983. Mark Hayes, Attorney, OGC, 1919 M St. NW., Washington, D.C., phone: 632-6405
NPRM—In the Matter of Revision of the Federal Communications Commission's Ex Parte Rules.	Yes	47 C.F.R., Part 1, Sub Part H.	5 U.S.C. § 553(b), 47 U.S.C. § 155(d)(5).	Several parties have petitioned the Commission to reconsider its Report and Order, 78 FCC 2d 1384 (1980) adopting less restrictive ex parte rules for informal rulemaking proceedings. The Commission is reviewing the petitions for reconsideration of the R&O *supra*. The Commission may deny or grant the petitions. A denial of the petitions would leave the less restrictive ex parte rules in force which would provide for better communications between participants and agency decisionmaking personnel. A grant of the petitions would result in more restrictive ex parte rules and hence reduced communications. Neither a denial or grant of the petitions should impose costs on petitioners, regulatees or the Commission that are substantially different from the costs incurred prior to the adoption of the original R&O *supra*.	A NPRM proposing revisions to the Ex Parte Rules, 1st Qtr, FY 1983 to be followed by Memorandum Opinion and Order disposing of the petitions for Reconsideration, 1st Qtr, FY 1983. Gayle Nelson, Attorney, OGC, 1919 M St., NW., Washington, D.C., phone: 632-6990.
Policy Regarding Character Qualifications in Broadcast Licensing. Gen. Docket No. 81-500.	None	None	Communications Act of 1934, as amended, §§ 4(i), 308(b), 309, 47 U.S.C. § 154(i), 308(b), 309.	Formulation of a comprehensive policy statement establishing a detailed and systematic treratment of the character qualifications of broadcast applicants will provide guidance to broadcast licensees and the public and enhance the fairness and efficiency of the licensing process. This action should not impose any additional costs on broadcast applicants or the Commission. Conversely, broadcast applicants, the public interest and the Commission should benefit from the formulation and adoption of a clear policy position consistent with the Communications Act of 1934, as amended on the issue of character.	NOI August 6, 1981, Policy Statement, 1st Qtr., FY 1983. David Senzel, Attorney, Office of General Counsel, Rm. 404, 1919 M Street, 632-7293.
NPRM—In the Matter of Formulation of Policies Relating to the Broadcast Renewal Applicant, Stemming from the Comparative Hearing Process.	None	47 C.F.R. Part I	47 U.S.C. §§ 154(i), 308(b), 319(a), and 403.	The *Notice* seeks comment on a number of issues, including whether it is feasible to adopt more specific standards for determining when a renewal applicant's programming record is meritorious, so as to outweigh disadvantages an incumbent may face under diversification and other traditional comparative criteria. Amended comparative renewal criteria and standards will have the net effect of saving applicant's and the Commission's time and resources in the renewal process.	NPRM, 2nd Qtr., FY 1983. David Silberman, Attorney, OGC, 1919 M Street NW., Washington, D.C., 632-6444.

BUREAU/OFFICE: OFFICE OF GENERAL COUNSEL—Continued

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
In the Matter of Amendment to Parts 0 and 1 of the Commission's Rules to Revise Delegation of Authority to the Review Board.	None	47 CFR, Part 1 and Part 0.	47 U.S.C. § 155(d)(5)	The Commission's Order,[1] FCC 81-516, released Nov. 20, 1981 revised rules containing delegations of authority to the Review Board so as to make those changes necessary to insure that the public receives service in the most efficient and expeditious manner possible. Gilmore Broadcasting Corporation and the Federal Communications Bar Association (FCBA) files petitions for reconsideration of the Order, *supra*. The Commission is now reviewing the petitions, *supra*. The Commission may deny or grant the petition. Neither a denial or a grant of the petitions should impose costs on petitioners, regulatees, or the Commission which are substantially different from the costs incurred prior to the adoption of the original Order, *supra*. The benefits likely to result from a denial of the petitions, are more efficient and expeditious service by the Review Board.	Memorandum Opinion and Order, 1st Qtr., FY 83. James Johnson, Attorney, OGC, 1919 M St. NW., Washington, D.C., 632-7112.
NPRM—In the Matter of Revision of the Federal Communications Commission's Discovery Rules.	Yes	47 CFR § 1	5 U.S.C. § 610	(a) The Commission's Discovery Rules in some instances are overly complex, response times are inadequate and said rules impose inordinate compliance costs. The purpose of the revision of the Discovery Rules is to simplify said rules, where possible, to provide for more realistic response times, less complex rules, and reduced compliance costs. (b) The major alternative to a Notice of Proposed Rulemaking (NPRM) is an internal review and modification/revision of the Discovery Rules. Due to the overall impact of said rules, an NPRM is the preferred approach. (c) Revision of the Discovery Rules will result in more timely and efficient processing of petitions before the Commission while reducing the cost of compliance with said rules.	NPRM, 1st Qtr., FY 1983. David Silberman, Attorney, OGC, 1919 M St. NW., Washington, D.C., 632-6444.
NPRM—In the Matter of Formulation of Federal Communications Commission's Lottery Rules for the Selection of Licensees for Media of Mass Communications.	Yes	None	47 U.S.C. § 309(i), as amended	House of Representatives Report on the Communications Amendment Act of 1982 provides: "[I]t is the firm intent of the conferees that traditional Commission objectives designed to promote the diversification of control of the media of mass communications be incorporated in the administration of a lottery under Section 309(i), as amended by this legislation." Communications Amendments Act of 1982, H.R. Rep. No. 97-765, 97 Cong., 2d Sess., p. 40 (1982). The Commission by its action proposes rules to implement the requirements of 47 U.S.C. § 309(i), as amended.	NPRM, 1st Qtr., FY 1983. Randy Thomas, Attorney, OGC, 1919 M St. NW., Washington, D.C., 632-6990.
NPRM—In the Matter of Formulation of Federal Communications Commission's Employee Financial Interest Rules.	No	47 C.F.R., Part 19, Sub Parts B & D.	47 U.S.C. § 154(b), as amended.	The House of Representatives Conference Report on H.R. 3239 would allow Commissioners and employees to own interests in those entities which do not have "a significant interest in communications, manufacturing, or sales activities which are subject to regulation by the Commission." (Communications Amendments Act of 1982, H.R. Rep. No. 97-765, 97 Cong., 2d Sess. p. 2 (1982). The Commission by its action proposes rules to implement the requirements of 47 U.S.C. § 154(b) as amended.	NPRM, 1st Qtr., FY 1983. Edwin Schafer, Attorney, OGC, 1919 M St. NW., Washington, D.C. 632-6990.

[1] *ORDER*, 88 FCC 2d 377 (1981).

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Thursday
October 28, 1982

Part XL

Department of Energy

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Semi-Annual Regulatory Agenda.

SUMMARY: In response to Office of management and Budget Bulletin No. 82–16, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the eleven rulemakings listed, the first nine are priority items.

DATE: See various dates listed for each specific rulemaking.

ADDRESS: Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Kenneth F. Plumb,

Secretary.

Current and Projected Rulemakings—Priority

A. Title: Collection of Cost of Service Information from Electric Utilities under Section 133 of PURPA

B. Agency Contact: Name—Joseph Long, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

D. CFR Citation: 18 CFR Part 290.

E. Legal Authority: PURPA Section 133.

F. Abstract: Section 133 of PURPA requires the Commission to collect certain cost of service data from electric utilities. Regulations implementing Section 133 were issued in 1979. A notice of inquiry requested public comment on use of the data and on ways in which the burden of compliance on the industry could be reduced. The Commission may issue an NOPR to propose implementation of those suggestions.

G. Timetable: NOI Issued: 1/29/82. NOPR Issued: 12/31/82.

A. Title: Generic Determination of Rate of Return on Common Equity for Electric Utilities

B. Agency Contact: Name—Arnold Meltz, Phone—(202) 357–8153, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

D. CFR Citation:

E. Legal Authority: Federal Power Act, Sections 201, 205, and 206.

F. Abstract: The proposed rule would establish procedures for determining rates of return on common equity for all electric utilities subject to the Commission's jurisdiction and for applying those rates of return in individual rate proceedings.

G. Timetable: NOPR Issued: 8/26/82. Final Rule Issued: 6/30/83.

A. Title: Fees Rulemaking—Producer Certificates

B. Agency Contact: Name—Joseph Long, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5. U.S.C. 601(6)).

D. CFR Citation:

E. Legal Authority: Independent Offices Appropriations Act.

F. Abstract: Rulemaking would establish a fee structure for services performed by the Commission under the NGA for producer certificates for which the Commission is authorized to collect fees.

G. Timetable: NOPR Issued: 5/6/82. Final Rule Issued: 6/30/83.

A. Title: Fees Applicable to Natural Gas Pipelines

B. Agency Contact: Name—Joseph Long, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5. U.S.C. 601(6)).

D. CFR Citation:

E. Legal Authority: Independent Offices Appropriations Act.

F. Abstract: Establish fees for services and benefits provided for natural gas pipelines under the Natural Gas Act and related authorities.

G. Timetable: NOPR Issued: 9/10/82. Final Rule Issued: 9/30/83.

A. Title: Fees Rulemakings—Electric Utilities, Cogenerators, and Small Power Producers

B. Agency Contact: Name—Joseph Long, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5. U.S.C. 601(6)).

D. CFR Citation:

E. Legal Authority: Independent Offices Appropriations Act.

F. Abstract: Establishes fees for services and benefits provided under the Federal Power Act and the Public Utility Regulatory Policies Act of 1978.

G. Timetable: NOPR Issued: 9/1/82. Final Rule Issued: 9/30/82.

A. Title: Fees Applicable to the Natural Gas Policy Act

B. Agency Contact: Name—Joseph Long, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

D. CFR Citation:

E. Legal Authority: Independent Offices Appropriations Act.

F. Abstract: Rulemaking would establish a fee structure for services performed by the Commission under the NGPA for which the Commission is authorized to collect fees. Fees to cover adjustments, well category determinations, Title III initial transaction and extension reports, OGC interpretations of NGPA.

G. Timetable: NOPR Issued: 6/2/82. Final Rule Issued: 6/30/82.

A. Title: Fees Rulemaking—General Activities

B. Agency Contact: Name—Joseph Long, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

D. CFR Citation:

E. Legal Authority: Independent Offices Appropriations Act.

F. Abstract: Rulemaking would establish a fee structure for general

services performed by the Commission for which the Commission is authorized to collect fees.

G. Timetable:
NOPR Issued: 6/15/82.
Final Rule Issued: 6/30/83.

A. Title: Construction Work in Progress for Public Utilities

B. Agency Contact: Name—Michael Postar, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

D. CFR Citation: 18 CFR 2.16, 35.60–.63.

E. Legal Authority: FPA Section 205.

F. Abstract: The Commission proposed to revise its regulatory policy concerning the treatment of the costs of construction work in progress in the rate base of electric utilities.

G. Timetable: NOPR Issued: 7/27/81. Final Rule Issued: 12/31/82.

A. Title: Sales and Transportation by Interstate Pipelines and Distributors

B. Agency Contact: Name—Thomas P. Gross, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 USC 601(6)).

D. CFR Citation: 18 CFR Parts 157, 284, and 375.

E. Legal Authority: NGA, Section 7; NGPA, Section 311.

F. Abstract: Rulemaking would expand the blanket certificate program to include the sale and transportation of natural gas by Interstate Pipelines and Distributors currently authorized on a case-by-case basis.

G. Timetable: NOPR issued: 4/27/81. Final rule issued: 6/30/83.

Current and Projected Rulemakings—Low Priority

A. Title: Revision to Power System Statement: Form No. 12

B. Agency Contact: Name—Cathy Ciaglo, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 USC 601(6)).

D. CFR Citation: 18 CFR 141.51.

E. Legal Authority: Sections 304 and 309, FPA, Section 402, DOE Act, DOE Delegation Order 0204–1.

F. Abstract: Form collects from electric utilities under FERC jurisdiction annual information on generation, exchanges, and sales of electric energy. Would revise Form 12 to eliminate information that the Commission does not need for regulatory purposes.

G. Timetable: NOPR issued: 1/11/82. Final Rule Issued: 12/31/82.

A. Title: Revision of Report on Service Interruptions on Pipeline Systems: Filing Requirement No. FPC R0016

B. Agency Contact: Name—Cathy Ciaglo, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: Of the 128 natural gas companies currently subject to the requirement, 30 are considered "small utilities", as defined by the Regulatory Flexibility Act (5 USC 601(6)). Impacts of the changes to the requirements are insignificant with respect to the time and costs needed to meet the requirements.

D. CFR Citation: 18 CFR 260.9.

E. Legal Authority: NGA Section 10, DOE Act Section 402, DOE Delegation Order 0204–1.

F. Abstract: Report collecting information on emergencies affecting the service or facilities of natural gas pipeline companies under FERC jurisdiction. Would eliminate information from the requirement that is not necessary for Commission regulatory purposes and would clarify existing requirements.

G. Timetable: NOPR issued: 4/06/82. Final rule issued: 12/31/82.

[FR Doc. 82-27963 Filed 10-27-82; 8:45 am]
BILLING CODE 6717-01-M

federal register

Thursday
October 28, 1982

Part XLI

Federal Home Loan Bank Board

Agenda of Federal Regulations

FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 82-656]

Agenda of Federal Regulations

September 24, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Home Loan Bank Board is hereby publishing items for the October Regulatory Agenda.

ADDRESS: Public Information Services, Office of Communications, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

1. Title: Processing of Applications (Current Rulemaking)

Agency Contact: Gayle L. Radley, (202) 377-6961, Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

Effects on Small Businesses and Other Entities: The proposed amendments would, if promulgated, not have a significant impact on a substantial number of small entities. They would provide for application processing in the least burdensome and most efficient manner and generally give subject institutions greater flexibility in corporate reorganization. The Board believes that the proposal will benefit small institutions by reducing paperwork and delay.

CFR Citations: 12 CFR Parts 545, 546, 552, and 563.

Legal Authority: Section 5 of the Home Owners' Loan Act, 48 Stat. 132 (12 U.S.C. 1464); secs. 402, 403, and 407 of the National Housing Act, 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1071 (1943-48 Comp.).

Abstract: The Federal Home Loan Bank Board ("Board") is reproposing a streamlined approach for processing all applications subject to public notice and protest procedures. Under the proposed application processing system, all applications which are not substantially protested may be approved within 30 calendar days. In addition, the Board is proposing a new three-tiered system of review for merger applications which makes use of revised antitrust criteria and an automatic-approval procedure for substantially unprotested applications for new branches, change of office location and redesignation of offices ("branch applications").

Under the proposed application processing system, the majority of merger and branch applications will be deemed to be approved 30 calendar days after the applicant is notified in writing that the application is complete. Those merger and branch applications which do not meet the automatic-approval criteria will require either the specific approval of the Board's Principal Supervisory Agent or will be referred to the Board for its consideration. These procedures are intended to reduce unnecessary delay in application processing and corporate organizations which require agency approval.

Timetable: Comments must be received by September 30, 1982.

2. Title: Monitoring Fair Lending Practices (Current Rulemaking)

Agency Contact: Cynthia N. Graae, (202) 377-6947, Assistant Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

Effects on Small Businesses and other Entities: The proposal would benefit small associations by reducing paperwork and eliminating certain reporting requirements for those receiving a small number of loan applications, but would not have a significant economic impact on such entities.

CFR Citation: 12 CFR 528.6.

Legal Authority: (Title VIII, Pub. L. 95-128, 91 Stat. 1147 (12 U.S.C. 2901); Title VII, Pub. L. 93-495 (15 U.S.C. 1691); Title VIII, Pub. L. 90-284, 82 Stat. 81 (42 U.S.C. 3601-3619), 16 Stat. 144, 14 Stat. 27 (42 U.S.C. 1981); EO 11063, 27 FR 11527; sec. 17, 47 Stat. 736, as amended (14 U.S.C. 1437); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943.48 Comp. 1071).

Abstract: The Board is proposing to amend its Loan Application Register and Data Submission Report currently required to be maintained by all institutions that are members of the Federal Home Loan Bank System, for the purposes of monitoring fair lending practices. The proposed amendments would provide for efficient monitoring pursuant to Title VIII of the Civil Rights Act of 1968, the Equal Credit Opportunity Act, and the Community Reinvestment Act, while reducing paperwork of regulated institutions.

Timetable: The public comment period ended on June 8, 1982. The Board is working with the Federal Financial Institutions Examination Council in further studying this area before scheduling consideration of final rulemaking for a Board agenda.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-27964 Filed 10-27-82; 8:45 am]

BILLING CODE 6720-01-M

federal register

Thursday
October 28, 1982

Part XLII

Federal Maritime Commission

Unified Regulatory Agenda

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Commission anticipates having under consideration during the period from October 1, 1982 to September 30, 1983 actions in the areas listed below.

DATES: None.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking procedures or the status of any matter listed below, contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section. The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission. The following is the Commission's Unified Regulatory Agenda. The agenda does not necessarily include petitions for rulemaking which are under staff review.

In addition, the Commission is publishing a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda (April 1982). This list will be made available to the press and interested groups.

Joseph C. Polking,

Assistant Secretary.

Current and Projected Rulemakings—Priority

Title: Temporary Tariff Filings in U.S. Foreign Commerce (Docket No. 80–56)

Agency Contact: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5827.

Small Business Impact: No significant impact on a substantial number of small entities.

Legal Authority: 46 U.S.C. 817(b) and 841(a).

Abstract: This rule will discontinue the agency practice of accepting temporary tariff filings and establish provisions for the receipt of permanent filings 24 hours a day. The potential benefits of this change are the elimination of the unreasonable paperwork burden.

Timetable: Proposed rule—F.R., Vol. 45, No. 172, pp. 58385–58387 (September 3, 1980); Final rule—F.R., Vol. 46, No. 129, pp. 35092–35094 (July 7, 1981). Stay of final rule—F.R., Vol. 46, No. 171, p. 44190 (September 3, 1981). Reconsideration of final rule—F.R., Vol. 46, No. 248, pp. 62669–62670 (December 28, 1981). Decision in abeyance pending legislative changes; decision projected for 2nd quarter, FY 1983.

Title: Filing of Agreements (Docket No. 76–63)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 522.

Legal Authority: 46 U.S.C. 824 and 841(a).

Abstract: Amended rules governing the filing of agreements pursuant to section 15 of the Shipping Act will provide for their orderly and expeditious filing and processing.

Timetable: Notice of proposed rule—F.R., Vol. 41, No. 227, p. 51622 (November 23, 1970); Proposed rule—F.R., Vol. 44, No. 120, pp. 36077–36080 (June 20, 1979). Final rule projected for 1st quarter, FY 1983.

Title: Filing and Service Fees (Docket Nos. 82–32 and 82–33)

Agency Contact: Samuel L. Simonovich, Budget Analyst, Office of Budget and Financial Management, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5770.

Small Business Impact: No significant impact on a substantial number of small entities.

CFR Citation: 46 CFR 502, 503, 522, 531, 536, 540, 543 and 544.

Legal Authority: 31 U.S.C. 483(a) and 46 U.S.C. 841(a).

Abstract: Amended rules revising or establishing filing and service fees will enable the Commission to recoup costs for services of value to the public.

Timetable: Proposed rule—F.R., Vol. 47, No. 129, pp. 29278–29281 (July 6, 1982). Final rule projected for 1st quarter, FY 1983.

Current and Projected Rulemakings—Other

Title: Currency Adjustment Factor Rule for Foreign Tariffs (Docket No. 82–36)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown—exempt under 5 U.S.C. 601(2).

CFR Citation: 46 CFR 536.

Legal Authority: 5 U.S.C. 552 and 553, and 46 U.S.C. 813(a), 814, 817(b) and 841(a).

Abstract: Currency adjustment factors (CAFs) are a major concern to the shipping public and an effective system which is fair and reasonable to carriers, conferences, and shippers is required. This would establish a simplified and uniform procedure for the publishing and filing of currency adjustment factors in foreign rate tariffs. These provisions would require the filing of CAF schedules for each trade currency by common carriers and conferences to govern the imposition of surcharges and discounts applied on freight rates. If finalized this rule would replace the current procedures and requirements for currency adjustment factors found in 46 CFR 538.4.

Timetable: Proposed rule—F.R., Vol 47, No. 139, pp. 31407–31410 (July 30, 1982). Final rule projected for 4th quarter, FY 1983.

Title: Per Container Rate Rules For Foreign Tariffs (Docket No. 81–59)

Agency Contact: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5827.

Small Business Impact: Unknown—exempt under 5 U.S.C. 601(2).

CFR Citation: 46 CFR 536

Legal Authority: 5 U.S.C. 533, and 46 U.S.C. 817(b), 821 and 941(a)

Abstract: This rule will prescribe the form and manner governing the establishment of per container/trailer rates in tariffs for common carriers and conferences in the U.S. foreign commerce to ensure the proper application of such rates.

Timetable: Proposed rule—F.R., Vol. 46, No. 167, p. 43474 (August 28, 1981). Final rule—F.R., Vol. 47, No. 114, pp. 25532–25534 (June 14, 1982). Pending disposal of petitions for reconsideration; decision projected for 1st quarter, FY 1983.

Title: Exemption of Bulk Cargo Moving in Foreign Commerce (Docket No. 82–13)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime

Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: None—reduction in present requirements.

CFR Citation: 46 CFR 536

Legal Authority: 46 U.S.C. 817 and 833(a), and 5 U.S.C. 553.

Abstract: Consideration is being given to the adoption of a rule to exempt bulk unprocessed commodities including those that are loaded and carried in containers, trailers, rail cars or similar intermodal equipment from the tariff filing requirements of § 18(b)(1) of the Shipping Act, 1916.

Timetable: Notice of Proposed rule—F.R., Vol. 47, No. 49, pp. 10862–10863 (March 12, 1982). Final rule projected for 3rd quarter, FY 1983.

Title: Green Salted Hides Weighing Practices Rule For Foreign Tariffs (Docket No. 82–42)

Agency Contact: Daniel J. Connors, Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5796.

Small Business Impact: No significant impact—reduction of present requirements.

CFR Citation: 46 CFR 534 and 536.5(c)(17).

Legal Authority: 5 U.S.C. 553 and 46 U.S.C. 841(a).

Abstract: Eliminate unnecessary provisions designed to cover a uniform method of declaring shipping weights on green salted hides for export in the U.S. foreign commerce and delete references thereto.

Timetable: Notice of proposed rule—F.R., Vol. 47, No. 179, pp. 40667–40668 (September 15, 1982). Final rule projected for 3rd quarter, FY 1983.

Title: Time Limit For Filing Overcharge Claims (Docket No. 81–51)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unkown—Exempt under 5 U.S.C. 601(2).

CFR Citation: 46 CFR 531 and 536.

Legal Authority: 46 U.S.C. 812, 814, 816 and 817(b).

Abstract: This rule would abolish conference and common carrier tariff rules prohibiting freight rate settlements more than six months after shipment.

Timetable: Proposed rule—F.R., Vol. 46, No. 167, p. 43472 (August 28, 1981) Final rule—F.R., Vol., 47 No. 154, pp. 34556–34561 (August 10, 1982). Final rule—F.R., Vol. 47, No. 175, p. 36985 (September 9, 1982); Rule has been petitioned for reconsideration during 1st quarter, FY 1983.

Title: Dual Rate Contract Systems (Docket No. 81–54)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: No significant economic impact on a substantial number of small entities.

CFR Citation: 46 CFR 538

Legal Authority: 46 U.S.C. 813(a) and 841(a).

Abstract: This rulemaking will provide a rebuttable presumption that merchants paying freight charges have a legal right to select the common carrier.

Timetable: Proposed rule—F.R., Vol. 46, No. 174, pp. 44998–44999 (September 9, 1981). Final rule projected for 1st quarter, FY 1983.

Reviews of Existing Regulations—Priority

Title: Rule Revisions For Shipping Act of 1982

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 510, 520–524, 527–530 and 537–538.

Legal Authority: S. 1593 and H.R. 4374, 9th Congress, 2d Session.

Abstract: The "Shipping Act of 1982," as proposed in pending legislation in the 97th Congress, 2d Session, would necessitate substantial revision of the Commission's regulations implementing the shipping statutes which it administers. This regulatory action would result in final rules, where necessary, to properly implement this legislation.

Timetable: The Shipping Act of 1982, and essential agency regulations implementing it would become effective 180 days after enactment of the legislation.

Title: Equal Access to Justice

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 503.

Legal Authority: Pub. L. 96–481, 5 U.S.C. 504 et seq., and 46 U.S.C. 841(a).

Abstract: The Equal Access to Justice Act provides for reimbursement to persons who have been subjected to investigatory processes and who subsequently prevail on the merits.

Timetable: Proposed rule projected for 1st quarter, fiscal year 1983.

Title: Financial Responsibility of Passenger Vessels

Agency Contact: Frank L. Bartak, Chief, Office of Vessel Certification, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5820.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 540.

Legal Authority: 46 U.S.C. 817(e) and 369.

Abstract: This regulation, which is concerned with the financial responsibility requirements for owners, operators and charterers of certain passenger vessels, is scheduled for review pursuant to section 610 of the Regulatory Flexibility Act.

Timetable: Projected for 3rd quarter, fiscal year 1983.

Title: Freedom of Information Act

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 503.

Legal Authority: 5 U.S.C. 552(b)(4) and 46 U.S.C. 841(a).

Abstract: Amendments to current rules governing treatment of FOIA requests will provide for notification to filers of "business confidential" information to permit responses before a decision to release or not to release information requested under the Act.

Timetable: Proposed rule projected for 1st quarter, fiscal year 1983.

Reviews of Existing Regulations—Other

Title: Financial Responsibility for Water Pollution

Agency Contact: Robert M. Skall, Deputy Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5840.

Small Business Impact: No significant impact.

CFR Citation: 46 CFR 542.

Legal Authority: 33 U.S.C. 1321 (l) and (p), and § 3 of E.O. 11735.

Abstract: The Commission's rules implementing the vessel financial responsibility requirements of section 311 of the Clean Water Act (the Act) defines the "United States" as including the Panama Canal Zone. However, the Panama Canal Treaties of 1977 may have removed the applicability of the Act to the Canal. Consideration is therefore being given to a proposed rulemaking to delete references to the Canal Zone in 46 CFR 542. No alternatives to a rulemaking are evident. It is not known whether any costs to the public will result.

Timetable: Projected for 2nd quarter, fiscal year 1983.

Title: Small Claims

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime

Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 502.

Legal Authority: 46 U.S.C. 821 and 841(a).

Abstract: Amendments to current rules governing small claims will provide for a raise in the limit for small claims; revised procedures for petitions for reconsideration; and tariff notice of decisions.

Timetable: Proposed rule projected for 1st quarter, fiscal year 1983.

Title: Privacy Act

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: No significant impact.

CFR Citation: 46 CFR 503.

Legal Authority: 5 U.S.C. 552(a) and 46 U.S.C. 841(a).

Abstract: Amendments to current rules implementing the Privacy Act are updated to reflect current organization and procedures.

Timetable: Proposed rule projected for 1st quarter, fiscal year 1983.

Title: Technical Revisions to Commission General Order 13 (46 CFR 536)

Agency Contact: James A Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5827.

Small Business Impact: No significant impact.

CFR Citation: 46 CFR 536.

Legal Authority: 5 U.S.C. 533, and 46 U.S.C. 817(b), 821 and 941(a).

Abstract: Proposed technical rulemaking to correct erroneous cross references in 46 CFR 436 and to clarify misleading technical language.

Timetable: Proposed rule projected for 3rd quarter, FY 1983.

Title: Filing of Tariffs by Terminal Operators

Agency Contact: Daniel J. Connors, Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5796.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 533.

Legal Authority: 46 U.S.C. 816, 820 and 841(a).

Abstract: The regulations governing the filing of terminal tariffs are scheduled for review pursuant to section 610 of the Regulatory Flexibility Act.

Timetable: Projected for 3rd quarter, FY 1983.

Title: Exemption of Nonexclusive Transshipment Agreements

Agency Contact: Robert G. Drew, Director, Bureau of Agreements, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5787.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 524.

Legal Authority: 46 U.S.C. 814, 833(a) and 841(a).

Abstract: The proposed rule would eliminate the need for the filing of nonexclusive transshipment agreements with the Commission. Exemption will benefit the shipping industry and Commission staff.

Timetable: Proposed rule projected for 1st quarter, FY 1983.

Title: Exemption of Certain Marine Terminal Agreements

Agency Contact: Robert G. Drew, Director, Bureau of Agreements, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5787.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 524.

Legal Authority: 46 U.S.C. 814, 833(a) and 841(a).

Abstract: The proposed rule would exempt from the filing and approval requirements of section 15 of the Shipping Act, 1916, (a) certain agreements relating to the lease, license, assignment or other similar use of marine terminal real property; (b) agreements relating solely to the performance of traditional stevedoring services; (c) certain marine terminal agreements relating to the use of dock, berth, apron or pier space; other terminal facilities at other than tariff rates; and marine terminal services at other than tariff rates. The exemption will benefit the terminal industry.

Timetable: Proposed rule projected for 2nd quarter, FY 1983.

Title: Amendments to G.O. 13, 24 and 38 To Define Intermodal Authority

Agency Contact: Robert G. Drew, Director, Bureau of Agreements, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5787.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 522, 531 and 536.

Legal Authority: 46 U.S.C. 814, 817 and 841(a).

Abstract: The proposed rule would define the term "intermodal authority" as it is used in various agreements and tariffs to aid in a determination as to precisely where such authority begins and ends. The exemption will help clarify an ambiguous term.

Timetable: Proposed rule projected for 2nd quarter, FY 1983.

Title: Exemption of Certain Vessel Charter Arrangements

Agency Contact: Robert G. Drew, Director, Bureau of Agreements, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5787.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 524.

Legal Authority: 46 U.S.C. 814, 833(a) and 841(a).

Abstract: The proposed rule would exempt from the filing and approval requirements of section 15 of the Shippng Act, 1916, vessel charter arrangements between competitors which are entered into for a short term or for a small portion of the fleets of two or more parties; and vessel charter arrangements between non-competitors for use in non-competitive trades. The exemption will benefit the shipping industry.

Timetable: Proposed rule projected for 1st quarter, FY 1983.

Title: Review of Self-Policing Regulations

Agency Contact: Robert G. Drew, Director, Bureau of Agreements, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5787.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 528.

Legal Authority: 46 U.S.C. 814, 833(a) and 841(a).

Abstract: The proposed rulemaking would amend existing regulations covered by General Order 7, Self-Policing Requirements For Section 15 Agreements. The amendments are designed to improve self-policing reporting and various procedures utilized under the regulations.

Timetable: Proposed rule projected for 1st quarter, FY 1983.

Completed Actions—Priority

Title: Prehearing and Discovery (Docket No. 82–21)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: No significant impact on a substantial number of small entities.

CFR Citation: 46 CFR 502.

Legal Authority: 46 U.S.C. 821, 826 and 841(a).

Abstract: Amended rules provide for more prompt commencement and completion of discovery in formal proceedings.

Timetable: Proposed rule—F.R., Vol. 47, No. 66, pp. 14734–14739 (April 6, 1982). Final rule—F.R., Vol. 47, No. 179, pp. 40624–40631 (September 15, 1982).

Title: Licensing of Independent Ocean Freight Forwarder (Docket No. 80–13)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 510.33(q).

Legal Authority: 46 U.S.C. 841 (a) and (b).

Abstract: This rulemaking concerns the payment of freight forwarder compensation to water common carriers or agents.

Timetable: Proposed rule—F.R., Vol. 45, No. 53, pp. 17029–17042 (March 17, 1980). Final rule—F.R., Vol. 46, No. 84, pp. 24565–24575 (May 1, 1981). Further notice of proposed rule—F.R., Vol. 46, No. 134, pp. 36216–36217 (July 14, 1981); Stay of final rule—F.R., Vol. 46, No. 177, p. 45612 (September 14, 1981). Stay of final rule (clarification)—F.R., Vol. 46, No. 190, p. 48199 (October 1, 1981). Further notice of proposed rule—F.R., Vol. 47, No. 2, pp. 215–216 (January 5, 1982). Final rule—F.R., Vol. 47, No. 72, pp. 16030–16031 (April 14, 1982). Final rule—F.R., Vol. 47, No. 114, pp. 25530–25532 (June 14, 1982).

Title: Exemption Of Exclusive Equipment Interchange Agreements (Docket No. 81–40)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: No significant economic impact on a substantial number of small entities.

CFR Citation: 46 CFR 524.

Legal Authority: 46 U.S.C. 814 and 841(a).

Abstract: This rulemaking concerns the exemption of routine equipment interchange agreements from an unnecessary regulatory burden to provide better and more flexible service.

Timetable: Proposed rule—F.R., Vol. 46, No. 120, pp. 32459–32460 (June 23, 1981). Final rule—F.R., Vol. 47, No. 95, p. 21051 (May 17, 1982).

Title: Licensing of Independent Ocean Freight Forwarders (Docket No. 81–76)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: No significant economic impact on a substantial number of small entities.

CFR Citation: 46 CFR 510.

Legal Authority: PL 97–35 and 46 U.S.C. 841(a) and (b).

Abstract: This rulemaking revises freight forwarder rules to comport with P.L. 97–35 permitting shipper affiliation.

Timetable: Proposed rule—F.R., Vol. 46, No. 248, pp. 62667–62669 (December 28, 1981). Final rule—F.R., Vol. 47 No. 109, pp. 24555–24556 (June 7, 1982).

Completed Actions—Other

Title: Time/Volume Contract Rate Rules For Foreign Tariffs (Docket No. 80–54)

Agency Contact: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5827.

Small Business Impact: Unknown—exempt under 5 U.S.C. 601(2)

CFR Citation: 46 CFR 536.

Legal Authority: 5 U.S.C. 553, and 46 USC 817(b) and 841(a).

Abstract: This rule prescribes uniform regulations governing the filing of time/volume rates in rate tariffs filed by common carriers and conferences in the U.S. foreign commerce. It will eliminate the present confusion and imprecision surrounding existing time/volume rates and enable the Commission to monitor their use to ensure compliance with the terms of their contracts and the Shipping Act, 1916.

Timetable: Notice of proposed rule—F.R., Vol. 45, No. 168, p. 57152 (August 27, 1980). Notice of proposed rule—F.R., Vol. 46, No. 211, pp. 54390–54391 (November 2, 1981). Final rule—F.R., Vol. 47, No. 131, pp. 29670–29673 (July 8, 1982). Denial of petition—F.R., Vol. 47, No. 162, p. 36425 (August 20, 1982).

Title: Removal of Regulations on Rates For Military Cargo (Docket No. 82–16)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: No significant impact on significant number of small entities.

CFR Citation: 46 CFR 549.

Legal Authority: 46 U.S.C. 817 and 841(a).

Abstract: The regulations governing the level of military rates were suspended for an indefinite period to lessen the burden on American flag operators.

Timetable: Proposed rule—F.R., Vol. 47, No. 54, p. 12367 (March 23, 1982). Final rule—F.R., Vol. 47, No. 169, pp. 38329–38330 (August 31, 1982).

[FR Doc. 82–27965 Filed 10–27–82; 8:45 am]

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Thursday
October 28, 1982

Part XLIII

Federal Reserve System

Semiannual Regulatory Flexibility Agenda

[Reprinted from the Federal Register of Friday, October 1, 1982]

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

Note.—This document originally appeared on Friday, October 1, 1982 (47 FR 43528). It is being republished today at the request of the Regulatory Information Service Center.

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: Pursuant to the Regulatory Flexibility Act, and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures, the Board anticipates having under consideration regulatory matters as indicated below during the period from October 1, 1982 through April 1, 1983. The Board's next Semiannual Agenda will be published in April 1983.

DATE: Comments may be received any time during the next six months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: (A staff contact for each item is indicated with the regulatory description below.)

SUPPLEMENTARY INFORMATION: The Board's Semiannual Agenda is divided into three sections: Section A reports on regulatory matters that have been proposed and that are under Board consideration; Section B reports on major regulatory reviews in progress under the Board's Regulatory Improvement Project and other regulatory matters the Board may consider for public comment during the next six months; and Section C reports those regulatory matters from the Board's last Semiannual Agenda (April 1, 1982 through October 1, 1982) on which final action has been taken.

A double asterisk (**) in Sections A and B indicates those matters listed on the Board's previous Semiannual Agenda; a dagger (†) indicates a proposal that is likely to have a significant economic impact on a substantial number of small entities. The latter designation applies to only those matters proposed for public comment *after* the January 1, 1982 effective date of the Regulatory Flexibility act.

A. Regulatory Matters That Have Been Proposed and Will Involve Further Board Consideration

****1. Regulation: B—Equal Credit Opportunity (12 CFR Part 202)**

Action taken: In April 1979, the Board, in response to requests for clarification, solicited public comment on how the specific rules of Regulation B should apply to various credit scoring practices (44 FR 23365, April 23, 1979).

In August 1980, the Board published a revised proposal in the form of two interpretations, the first dealing with consideration of income and the second with the selection and disclosure of reasons for adverse action (45 FR 56818, August 26, 1980). In May, 1982, the Board substantially revised the two interpretations and again published them for comment (47 FR 23738, June 1, 1982) the proposals would primarily affect larger creditors that use credit scoring systems. (Very few small businesses use credit scoring systems.) The economic impact of either interpretation is unlikely to be significant. The Board is expected to take further action during the next six months.

Authority: Section 703(a) of the Equal Credit Opportunity Act, 15 U.S.C. 1691b(a).

Docket number: R–0203.

Staff contact: Lucy H. Griffin, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

****2. Regulation: B—Equal Credit Opportunity (12 CFR Part 202)**

Action taken: In October 1978, the Board proposed for comment several amendments to the regulation. In April 1979, one of the proposals was adopted (44 FR 23813, April 23, 1979). The three remaining proposals would affect creditors that extend credit to small businesses by extending recordkeeping and adverse action notification requirements to business loans of under $100,000. Inquiries as to marital status of applicants would be prohibited in all business credit applications.

In May 1982, the Board proposed to withdraw these remaining amendments and sought comments to learn whether any recent changes in industry practices might affect the Board's consideration (47 FR 23741, June 1, 1982).

The Board is expected to consider these matters during the next six months in conjunction with action on the proposed credit-scoring interpretations that are also outstanding. (See entry A.1.)

The proposed amendments, if adopted by the Board, would impose on commercial lending institutions additional notice and record-keeping requirements for business loans of less than $100,000. These requirements would adversely affect the large number of small lenders that make business loans of such limited size. The benefits of the proposed amendments appear to be limited.

Authority: Equal Credit Opportunity Act, 15 U.S.C. 1691b.

Docket number: R–0185.

Staff contact: Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, (202–452–2412).

****3. Regulation: C—Home Mortgage disclosure (12 CFR Part 203)**

Action taken: The Home Mortgage Disclosure Act (HMDA) and Regulation C provide that the Board may exempt state-chartered depository institutions within a state if two conditions are met: (1) state requirements are substantially similar to federal requirements, and (2) there is adequate provision for enforcement.

Five states (California, Connecticut, Massachusetts, New Jersey and New York) applied for exemptions from the Home Mortgage disclosure Act as recently revised. (California subsequently withdrew its application.) In May 1982, the Board published notice of the four applications for comment (47 FR 22370, May 24, 1982).

State exemptions from federal law that are granted by the Board would result in fewer burdens on depository institutions subject to HMDA and located in those states (without significant loss of consumer protection) because duplicative requirements would be eliminated.

The HMDA and Regulation C apply to all depository institutions over $10 million in assets that have offices in SMSAs (Standard Metropolitan Statistical Areas) and that make federally related mortgage loans.

The Board will review the public comments and is expected to take final action in the next six months.

Authority: The Home Mortgage Disclosure Act, 12 U.S.C. 2801 *et seq.*

Docket number: R–0406.

Staff contact: John C. Wood, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

****4. Regulation: D—Reserve Requirements of Depository Institutions (12 CFR Part 204)**

Action taken: The Board will consider further during the next six months a proposal to adopt contemporaneous reserve accounting. In August 1980, the Board stated that it is disposed toward returning to contemporaneous reserve accounting if investigation indicates that such a system is practical. In November

1981, the Board solicited additional public comments on a proposal to adopt contemporaneous reserve accounting (46 FR 58184, November 30, 1981). The proposal would change the reserve maintenance schedule of depository institutions to coincide with reserve computation periods as a means of improving the System's ability to meet its monetary policy objectives. Such a proposal would affect the reserve management practices of all depository institutions with $15 million or more in total deposits.

Authority: 12 U.S.C. 461 *et seq.*

Docket number: R–0371.

Staff contacts: David Lindsey, Assistant Director, Division of Research and Statistics, (202–452–2601); and Gilbert T. Schwartz, Associate General Counsel, Legal Division, (202–452–3625).

5. Regulation: D—Reserve Requirements of Depository Institutions and Regulation Q—Interest on Deposits (12 CFR Parts 204 and 217)

Action taken: In August 1982, the Board requested public comment on a proposal to amend Regulations D and Q to reduce the minimum maturity of all time deposits to seven days (47 FR 38138, August 30, 1982). At present, time deposits are defined as deposits or accounts with a minimum maturity or required notice period of 14 days. Small banks would likely benefit from this proposal because it will provide an additional tool for them to use in competing with larger institutions for short-term, large-denomination deposits.

The Board will review the public comments and is expected to take further action during the next six months.

Authority: Section 19(a) of the Federal Reserve Act, 12 U.S.C. 461(a).

Docket number: R–0417.

Staff contacts: Gilbert T. Schwartz, Associate General Counsel, (202–452–3625); Paul S. Pilecki, Senior Attorney, (202–452–3281); and Beverly A. Belcamino, Legal Assistant, Legal Division, (202–452–3623).

****6. Regulation: E—Electronic Fund Transfers (12 CFR Part 205)**

Action taken: In March 1982, the Board approved issuing for public comment amendments to the regulation that would provide (1) an exemption for small institutions limited to their participation in the federal government's direct deposit program; (2) a partial exemption from the periodic statement requirements for certain telephone transfers between a consumer's accounts held at the same institution; (3) modification of certain requirements for institutions that offer electronic services internationally; and (4) an exception to the required disclosure on the terminal receipt of type of account affected, for certain transfers in a regional or nationwide interchange system (47 FR 12997, March 26, 1982).

The proposed amendments, if adopted by the Board would relax existing regulatory burdens for a number of small institutions (under the first two items listed above) and for institutions that are members of debit-credit card networks (under the third and fourth item). It is believed that these proposed changes would not result in the loss of significant protections for consumers. The Board will review the comments and is expected to take final action within the next six months.

Authority: Electronic Fund Transfer Act, 15 U.S.C. 1693b.

Docket number: R–0388

Staff contacts: John C. Wood, Senior Attorney; and Jessie Filkins, Senior Attorney, Division of Consumer and Community Affairs (202–452–2412).

****7. Regulation G—Securities Credit by Persons Other Than Banks, Brokers, or Dealers (12 CFR Part 207); T—Credit by Brokers and Dealers (12 CFR Part 220); U—Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (12 CFR Part 221)**

Action taken: In February 1982, the Board issued for public comment a regulatory framework that could be used to establish margin requirements on futures contracts based on stock indexes (47 FR 8788, March 2, 1982). This action was taken in connection with the Board's review of an application by the Kansas City Board of Trade (KCBOT) to trade in stock market index futures contracts.

The Board noted actions taken by the KCBOT to increase its own initial margin requirements on these futures contracts and to narrow the definition of hedging for margin purposes. In view of this, the Board decided not to take immediate action of its own.

However, the Board indicated that formal margin requirements on stock index futures contracts may be appropriate later. The Board plans to monitor the development and operation of this market closely.

The Board therefore asked for comment both on specific issues related to establishment of margin requirements on stock index futures contract and related instruments and on a proposed framework for such regulation. It is not expected that the proposals would have a significant impact on a substantial number of small firms.

The Board will review the comments on the proposals and may take further action during the next six months.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78c, g and w.

Docket number: R–0385.

Staff contacts: Laura Homer, Securities Credit Officer; and Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202–452–2781).

† **8. Regulation: J—Collection of Checks and Other Items and Wire Tranfer of Funds (12 CFR Part 210)

Action taken: In April 1982, the Board requested public comment on a proposal that would allow Federal Reserve Banks to charge depository institutions for cash letters that are made available to them on a weekday that is a banking day for the Reserve Bank but not for the paying bank (47 FR 15349, April 9, 1982). The purpose of the admendment is to eliminate the float generated when depository institutions regularly close on weekdays, and to promote equity with other depository institutions that remain open on such days. The proposal will not impose any additional reporting, recordkeeping, or other compliance requirements on any institutuon, or duplicate, overlap, or conflict with any other federal rule. Board staff does expect, however, that affected institutions (approximately 450 of them with deposits of less than $20 million) could experience some reduction of earnings.

The Board will review the public comments and is expected to take further action within the next six months.

Authority: Sections 13, 16 and 11(i) of the Federal Reserve Act, 12 U.S.C. 342, 248(o), 360, and 248(i).

Docket number: R–0392.

Staff contact: Joseph R. Alexander, Attorney, Legal Division (202–452–2489).

****9. Regulation: J—Collection of Checks and Other Items and Wire Transfer of Funds (12 CFR Part 210)**

Action taken: In May 1981, the Board issued for public comment proposals to amend Subpart A of Regulation J by (1) redefining the terms "sender" and "bank" to include a depository institution as defined in 12 U.S.C. 461 (b), namely, banks and thrift institutions, (2) imposing on a paying bank that returns an item an indemnity for loss or expense resulting form return of the item beyond the deadlines provided in the regulation, (3) incorporating provisions for collecting coupons and other securities similar to provisions regarding the payment and return of cash items, and (4) imposing a warranty and related indemnity regarding wire advice of nonpayent on a paying bank which returns a cash item (46 FR 24576, May 1,

1981). After considering the comments received, the Board adopted the first proposal in substantially the form proposed (46 FR 42059, August 19, 1981). Final action on the other three items is expected during the next six months. In its consideration of these proposals, the Board has taken account of the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, and has concluded that none are expected to have a significant economic impact on a substantial number of small entities.

Authority: Sections 13, 16 and 11(i) of the Federal Reserve Act, 12 U.S.C. 342, 248(o), 360, and 248(i).

Docket number: R–0357.

Staff contact: Joseph R. Alexander, Attorney, Legal Division (202–452–2489).

10. Regulation: L—Management Official Interlocks (12 CFR Part 212)

Action taken: On September 15, 1982, the Board approved issuing for public comment proposed amendments to Regulation L, which generally prohibits certain management official interlocks between depository institutions, depository holding companies, and their affiliates. The proposals would update, clarify and make technical changes in light of the Board's experience with the regulation and recent amendments to the Interlocks Act (12 U.S.C. 3201 *et seq.). It is anticipated that the Board will review the public comments and take further action on these proposals within the next six months.*

At the same time, the Board adopted an amendment to Regulation L to conform its provisions to recent statutory amendments.

The final amendment, as well as the proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small entities. Since the amendments would ease the application of the regulation on depository institutions, their effect is expected to be beneficial rather than adverse and small instutitions would share the benefits with larger organizations.

Authority: Depository Institutions Management Interlocks Act, 12 U.S.C. 3207.

Staff contacts: Melanie L. Fein, Attorney, (202–452–3594); and Browen Mason, Senior Counsel, Legal Division, (202–452–3564).

11. Regulation: Q—Interest on Deposits and Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 217 and 204)

Action taken: In August 1982, the Board requested public comment on a proposal to amend Regulations Q and D to increase the maximum size limitation on business savings accounts at member banks to $250,000 (47 FR 38137, August 30, 1982). Currently, member banks are not permitted to accept savings deposits in excess of $150,000 per depositor from organizations operated for profit. The Board is also inviting comment on the possibility of eliminating this limitation completely. Small banks would benefit from either a liberalization or elimination of this limit because the change would allow these institutions to compete more effectively with thrift institutions, which currently are subject to no such limitation. Further, small businesses should be aided by the opportunity to place larger cash blance in interest-bearing accounts.

The Board will review the public comments and is expected to take further action during the next six months.

Authority: Section 19(a) of the Federal Reserve Act, 12 U.S.C. 461(a).

Docket number: R–0420.

Staff contacts: Gilbert T. Schwartz, Associate General Counsel, (202–452–3625); Paul S. Pilecki, Senior Attorney, (202–452–3281); and Beverly A. Belcamino, Legal Assistant, Legal Division, (202–452–3623).

12. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)

Action taken: In March 1982, the Board proposed for public comment a complete revision of Regulation T (47 FR 13376, March 30, 1982). The proposal is part of the Board's Regulatory Improvement Project in which the Board is reviewing and revising all of its regulations to simplify their language and ease the burden of compliance. In its last semiannual agenda the Board indicated that it would consider issuing for public comment an amendment to Regulation T to facilitate the covered writing of options by insitutions and other entities which are prevented by law from using margin accounts. Such a proposed amendment has been included as part of the Board's complete revision of Regulation T (proposed section 220.7, Cash Account).

The **Federal Register** documents published in June and July of 1981 (46 FR 32592 and 46 FR 37516) by the Board contained an Initial Regulatory Flexibility Analysis for the complete revision of Regulation T. Comments received on the proposals appear to agree with the Board's analysis. The two new items in this proposal concerning options clearing firms and option writing in the cash account should not have any substantial impact on small businesses.

The Board will review the comments on the proposals and is expected to take further action during the next six months.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78 g and w.

Docket number: R–0389.

Staff contacts: Laura Homer, Securities Credit Officer; and Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202–452–2781); Robert Rewald, Division of Research and Statistics, (202–452–3637), Board of Governors of the Federal Reserve System, Washington, D.C.; or Mindy R. Silverman, (212–791–5032), and James M. McNeil, (212–791–5914), Federal Reserve Bank of New York.

13. Regulation: Z—Truth in Lending (12 CFR Part 226)

Action taken: The Truth in Lending Act and Regulation Z provide that state law requirements determined to be inconsistent with certain federal Truth in Lending requirements are preempted by the federal law and regulation. Upon request by any interested person or on its own motion, the Board is authorized to make determinations regarding inconsistent state law provisions for preemption purposes.

The Board has received four requests for preemption determinations concerning state laws in Arizona, Florida, Missouri, and South Carolina. In April 1982, the Board published for comment a notice concerning its determination as to whether any or all of these laws are preempted (47 FR 16201, April 15, 1982).

Board determinations that state laws are inconsistent and thus preempted, and state exemptions from federal laws that are granted by the Board, would result in fewer burdens on creditors in those states (without significant loss of consumer protection) because in each case duplicative requirements would be eliminated.

The Truth in Lending Act and Regulation Z apply to all sectors of the economy that grant consumer credit including banks, credit agencies, and retail establishments.

The Board will review the comments and is expected to take further action within the next six months.

Authority: The Truth in Lending Act, 15 U.S.C. 1601 *et seq.*

Docket number: R–0395.

Staff contacts: Clarence B. Cain, Attorney, (202–452–2412); Lynn C. Goldfaden, Attorney, (202–452–3867); and Rugenia Silver, Attorney, (202–452–2412), Division of Consumer and Community Affairs.

14. Regulation: Z—Truth in Lending (12 CFR Part 226)

Action taken: In July 1982, the Board proposed for public comment two alternative methods for the treatment of

seller's points and reduced rate financing under revised Regulation Z (47 FR 32433, July 27, 1982). One alternative would remove the current exclusion for seller's points from the finance charge disclosed under Truth in Lending. The other alternative would require that a disclosure be given to advise the consumer that the seller has paid money to obtain the financing and that, if passed on in the form of a higher sales price or other charge, the annual percentage rate and the other disclosures understate the cost of credit. The action was taken in response to the increasing number of below-market rate financing arrangements that have been developed since adoption of the revised Regulation Z and the concerns raised by some that the regulation's exclusion of seller's points from the finance charge may permit an understatement of the annual percentage rate. Adoption of either of the proposed alternatives would affect lenders who both offer below-market rate financing and impose seller's points. It is not expected that either alternative would have a significant economic impact on a substantial number of small creditors or small sellers of new homes. It is unlikely that a substantial number of small creditors are involved in such buy-down transactions, and the incremental cost incurred by any particular small seller in changing its advertising to comply with the new requirements is not likely to be significant.

The original 30-day comment period was extended from August 27, 1982, to September 27, 1982 (47 FR 38548, September 1, 1982).

The Truth in Lending Act and Regulation Z apply to all sectors of the economy that grant consumer credit including banks, credit agencies, and retail establishments.

Authority: Truth in Lending Act, 15 U.S.C. 1601 *et seq.*

Docket number: R–0413.

Staff contacts: Clarence B. Cain, Staff Attorney, and Gerald P. Hurst, Staff Attorney, Division of Consumer and Community Affairs, (202–452–2414).

B. Regulatory Matters the Board May Consider During the Next Six Months

****1. Regulatory Improvement Project**

Anticipated action: The Board's Regulatory Improvement Project involves, among other things, a substantive, zero-based review of all Federal Reserve regulations that affect the public to determine (1) the fundamental objectives of the regulation and the extent to which it is meeting current policy goals, (2) nonregulatory alternatives that would accomplish the objectives, (3) costs and benefits of the regulation, (4) unnecessary burdens imposed by the regulation, and (5) the clarity of the regulation.

During the next six months, the staff should complete its review of Regulation Y (Banking Holding Companies and Change in Bank Control), and public comment on proposed changes is expected to be sought during this period. These proposals are being designed to reduce regulatory burdens, and none is expected to have a significant adverse economic impact on any bank holding company. In addition, the Project will be continuing to develop simplified revisions of the "margin credit" regulations: Regulation G (Securities Credit by Persons Other Than Banks, Brokers, or Dealers), Regulation T (Credit by Brokers and Dealers), Regulation U (Credit by Banks for the Purposes of Purchasing or Carrying Margin Stocks), and Regulation X (Rules Governing Borrowers Who Obtain Securities Credit). Substantive amendments of these regulations were made in January 1982, and a revision of Regulation T was proposed for public comment in March 1982. (See Entry A-12.) During the next six months, revisions of Regulation G, U, and X are expected to be proposed for comment. The Project will also participate in other regulatory actions listed in this agenda to ensure that the objectives of the Project are met.

Authority: Financial Regulation Simplification Act of 1980, 12 U.S.C. 3501.

Staff contact: Barbara R. Lowrey, Associate Secretary, Office of the Secretary, (202–452–3742).

****2. Regulation: K—International Banking Operations (12 CFR Part 211)**

Anticipated action: The Board will consider publishing for comment a revised proposal that would permit Edge Corporations to provide a broader range of banking services than is now permissible to a limited class of customers. While Edge Corporations are in most instances owned by major banks, the proposal would also afford scope for smaller banks to compete more effectively in development and supply of services to support U.S. trade. Pursuant to the International Banking Act, a similar proposal was published for comment in February 1979 to improve the competitive position of Edge Corporations (44 FR 10509, February 21, 1979).

Action on this matter would represent a relaxation of regulatory burden on Edge Corporations and would permit a shift to a more cost-effective method of supervision of Edge Corporations.

Authority: International Banking Act of 1978, 12 U.S.C. 3101; Federal Reserve Act, 12 U.S.C. 601 and 605.

Staff contacts: Nancy P. Jacklin, Assistant General Counsel, Legal Division, (202–452–3582); and Henry S. Terrell, Chief, International Banking Section, Division of International Finance, (202–452–3768).

3. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)

Anticipated action: The Board will consider issuing for public comment an amendment to the definition of "OTC margin bond" in Regulation T expressly to permit private mortgage pass-through securities to be used as collateral for margin credit at brokerage firms. At present, any "OTC margin bond" is eligible for credit on a "good faith" basis. It is expected that such a proposal would contribute to greater competitive equality between brokers/dealers and commercial banks.

Staff believes there would be no significant economic impact on a substantial number of small entities if this proposed rule change is adopted.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

Staff contacts: Laura Homer, Securities Credit Officer; Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202–452–2781); or David Seiders, Senior Economist, Division of Research and Statistics, (202–452–2694).

****4. Regulation: Y—Banking Holding Companies and Change in Bank Control (12 CFR Part 225)**

Anticipated action: The Board will consider issuing for public comment a proposal to amend Regulation Y to authorize bank holding companies to act as agents for the sale of renewal insurance.

In rulemaking proceedings to conform to the Board's insurance agency regulation (Section 225.4(a)(9) of Regulation Y) to a court decision, the Board in July 1981, removed the authority for bank holding companies to sell renewal insurance. In connection with that rulemaking proceeding, the Board had received comments from several organizations requesting that the authority for bank holding companies to sell renewal insurance be re-added to Regulation Y. In addition the Board received a request opposing the inclusion of renewal insurance within the final regulation. The proposal was deferred pending final board action on the rulemaking proceedings referred to above that were completed on July 15, 1981. On October 2, 1981, the Board considered the proposal to amend

Regulation Y to authorize bank holding companies to act as agent for the sale of renewal insurance and decided to suspend further consideration in an effort to avoid the expense and delay associated with proceedings that in part might be duplicated by Congress in its examination of related matters.

Accordingly, if the Board Determines to pursue this proposal, it would seek comment from the public on whether the activity is "so closely related to banking * * * as to be a proper incident thereto," including comment on whether performance of the activity by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. The proposal would impose no additional burden on any bank holding company.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

Docket number: R–0150

Staff contact: Richard Whiting, Senior Attorney, Legal Division, (202–452–3779).

**5. Regulation: AA—Unfair or Deceptive Acts and Practices (12 CFR Part 227)

Anticipated action: The Board is required by the Federal Trade Commission Act to adopt a rule applicable to banks that is substantially similar to a trade regulation rule adopted by the FTC prohibiting certain acts or practices of other creditors as unfair or deceptive, unless the Board finds that such acts or practices of banks are not unfair or deceptive or that implementation of a similar rule with respect to banks would seriously conflict with essential monetary and payments systems policies of the Board.

In response to a proposed FTC rule (governing the preservation of consumers' claims and defenses), in 1976 the Board published a comparable proposal for comment (41 FR 7110). The proposal would require the insertion in certain credit contracts of a notice preserving a consumer's claim and defenses against a seller of goods or services so that they can be raised against any holder of the contract. The FTC published a revised version of its creditor rule for comment in November 1979. When a final FTC rule is adopted, the Board will consider appropriate regulatory action.

C. Regulatory Matters From the April 1 Through October 1, 1982 Semiannual Agenda on Which Final Action Has Been Taken

1. Regulation: G—Securities Credit by Persons Other Than Banks, Brokers, and Dealers (12 CFR Part 207); T—Credit by Brokers and Dealers (12 CFR Part 220); U—Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (12 CFR Part 221)

Action taken: In May 1982, following review of public comments, the Board adopted proposed amendments to its criteria for inclusion on the List of OTC Margin Stocks (47 FR 21756, May 20, 1982). These amendments (1) permit inclusion of securities of certain foreign issuers, (2) eliminate the alternative market value criterion and make the price and capital criteria mandatory, (3) reduce the initial listing capital and publicly-held share criteria, and (4) reduce the continued listing price and capital criteria.

The initial regulatory flexibility analysis indicated that because the proposals to amend the criteria involved a mixture of relaxing and tightening changes, it was not easy to judge the overall impact on small domestic entities—primarily those small-sized corporations whose stocks are traded in the over-the-counter market. However, no comments were received which would lead the Board to conclude that the adoption of these amendments would have a significant economic impact on a substantial number of small entities.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78 g and w.

Docket number: R–0372.

Staff contacts: Jamie Lenoci, Financial Analyst; and Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202–452–2781).

2. Regulation: M—Consumer Leasing (12 CFR Part 213)

Action taken: The Truth in Lending Act and Regulation M provide that classes of lease transactions within a state may be exempt from some of the federal requirements if certain conditions are met. These conditions require an existing state law to be substantially similar to the federal law or to afford greater consumer protection and benefit, and to contain adequate provisions for enforcement. Upon

was published for comment in April 1982 (47 FR 16201, April 15, 1982). Following review of public comments, the Board granted the exemption (47 FR 36961, August 24, 1982).

A state exemption from federal law that is granted by the Board would result in fewer burdens on lessors in that state (without significant loss of consumer protection) because duplicative requirements would be eliminated.

The Truth in Lending Act and Regulation M apply to all sectors of the economy that engage in lease transactions including bank and retail establishments.

Authority: The Truth in Lending Act, 15 U.S.C. 1601 *et seq.*

Docket number: R–0394.

Staff contact: Rugenia Silver, Attorney, Division of Consumer and Community Affairs, (202–452–2412).

3. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)

Action taken: In May 1982, following review of public comments, the Board adopted proposed amendments to Regulation T to permit, in addition to cash, the use of securities issued or guaranteed by the United States government or its agencies, certain letters of credit, bank CD's and bankers acceptances, as permissible collateral in stock lending and borrowing transactions (47 FR 21238, May 18, 1982). The amendment also permits foreign banks to issue letters of credit in such transactions if they have filed with the Board agreements to comply with the same rules and regulations applicable to member banks in securities credit transactions. These amendments are not expected to have an adverse economic impact on any small institutions.

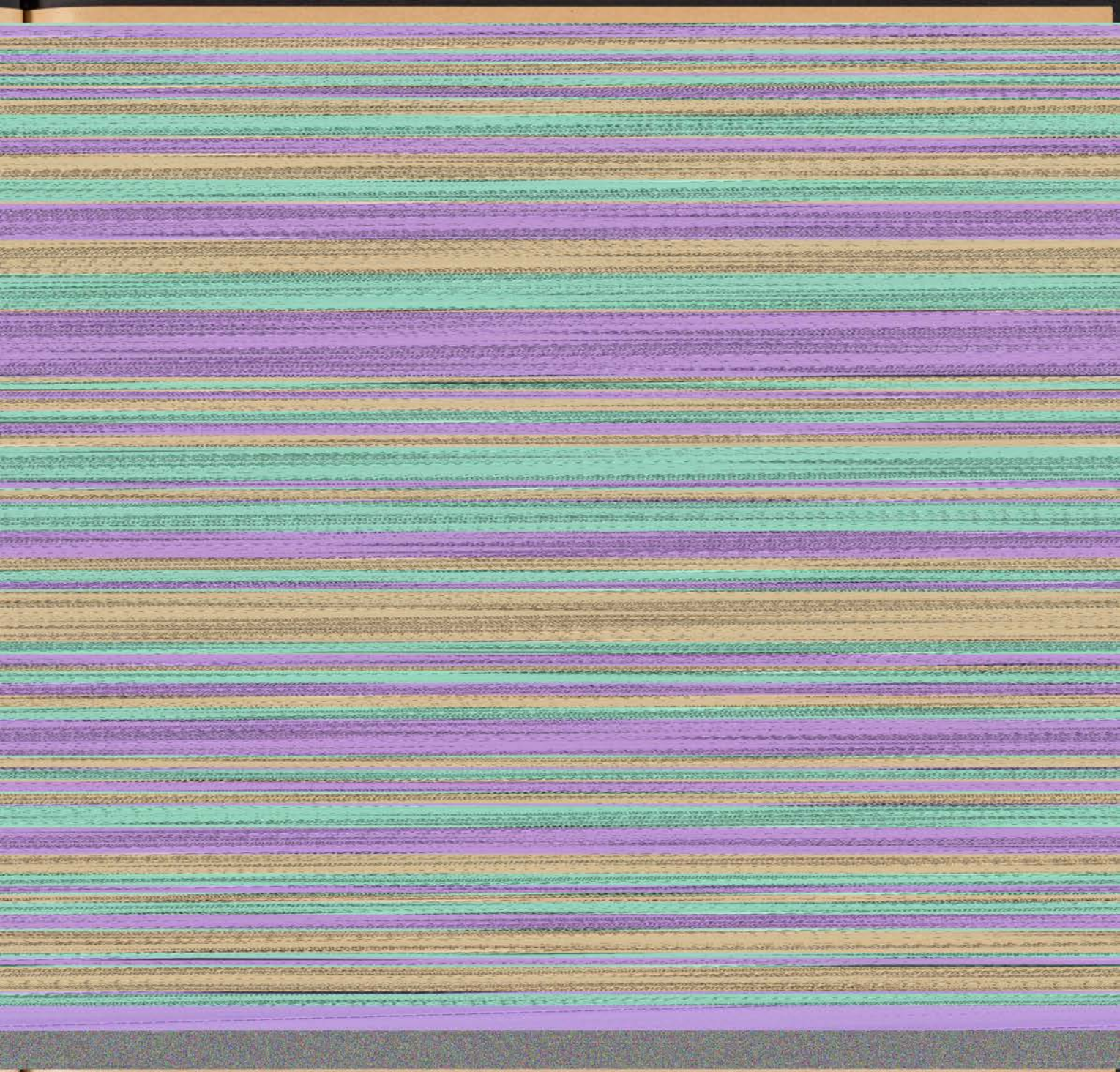
Authority: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

Docket number: R–0370.

Staff contacts: Laura Homer, Securities Credit Officer; and Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202–452–2781).

4. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)

Action taken: In October 1980, the Board issued for public comment a proposed amendment to Regulation Y to



federal register

Thursday
October 28, 1982

Part XLIV

Federal Trade Commission

Semiannual Regulatory Agenda

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with the Federal Trade Commission Improvements Act of 1980, Pub. L. 96–252 and the Regulatory Flexibility Act, Pub. L. 96–354. Each item reflects the FTC staff's assessment of events that it expects will occur in the listed proceedings during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from inclusion in this agenda.

Several of the items concern proceedings that potentially may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether such proceeding will result in a rule which is likely to have a significant economic impact on such entities depends upon final Commission determinations on the need for or on the substance of a trade regulation rule.

The views expressed in these entries are those of the FTC staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented when it considers each staff proposal.

Each agenda item is based on projected timing of future Commission action. Discovery of new information, changes in circumstances or in the law may alter the projected dates.

FOR FURTHER INFORMATION CONTACT: FTC/GS Christian S. White, Washington, D.C. 20580, 202–523–3906.

Title: Antacid Advertising

Agency Contact: Joel Brewer, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1530.

Effects on Small Businesses and Other Entities: Although no specific rule has yet been proposed, it is not expected that any rule will have a significant economic impact on a substantial number of small entities. With the exception of small retailers who advertise price and availability in newspapers and magazines, virtually all of the antacid advertisers are large entities. Moreover, the impact on small retailers will essentially be eliminated by a provision exempting print advertising that states only the product's name and price.

CFR Citation: Proposed 16 CFR Part 451.

Legal Authority: Federal Trade Commission Act, 5, 12, 15 and 18, 15 U.S.C. 45, 52, 55 and 57(a).

Abstract: The Commission did not propose a rule at the outset of this proceeding. Rather than making a specific proposal, the Commission focused the proceeding on whether, and in what form, warnings required by the Food and Drug Administration ("FDA") in the labeling of non-prescription antacids should also appear in the advertising for such products. The proceeding has explored and considered various alternatives, including no warnings whatsoever, a general warning (which refers generally to the existence of risk and directs consumers to the label), various specific warnings (which specifically disclose the existence of combinations of general and specific warnings. A decision by the staff on the final form of a recommended rule has not yet been made.

The potential benefits from adoption of any rule are threefold: First, the prevalence of contra-indicated use of antacids may be lowered; second, manufacturers may have an incentive to include additional safety information in their advertising, and third, manufacturers may also have an incentive to produce safer antacids. The potential costs from adoption of any rule are the following: First, the effectiveness of antacid advertising may be lowered; second, consumers may mistakenly conclude from the warning information that all antacids are unsafe, and third, any required advertising disclosure may impose direct dollar costs.

Objectives: Any rule in this area would be designed to prevent deceptive advertising claims for over-the-counter antacid products. In particular, a rule would be aimed at preventing the deceptive implication that antacid products are always safe and can be taken by anyone without any adverse effects.

Timetable:

Final Notice of Proposed Rulemaking [43 FR 38851]—August 31, 1978:

Presiding Officer's Report—November 1979

Publication of Staff Report—Fourth Quarter FY 1983

Public Comment on Presiding Officer and Staff Reports—No less than 60 days following publication of staff report.

Title: Amendment to Care Labeling of Textile Wearing Apparel Rule

Agency Contact: Earl Johnson, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 376–2891.

Effects on Small Businesses and Other Entities: As approved by the Commission the amendments will not have a significant economic impact on a substantial number of small entities. The amendments will clarify existing obligations and facilitate compliance with the rule. Amendments that would have extended the rule to manufacturers of additional products were not adopted by the Commission.

CFR Citation: 16 CFR Part 423.

Legal Authority: Federal Trade Commission Act, 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: An existing rule, effective since July 1972, requires that all consumers' wearing apparel and piece contain a "care label" which informs consumers about proper procedures for such things as cleaning, drying, and ironing.

The amendments that were proposed would have extended the rule to cover all textile products including carpets and rugs, upholstered furniture, yarns and linens. The amendments would also require a more complete statement of the care procedure, the use of standardized care terminology and the establishment of a basis for the accuracy of each care procedure prescribed in a label.

On June 24, 1982, the Commission approved, with certain modifications, those amendments which would clarify the rule's existing requirements but rejected amendments which would have extended the rule to additional products. The Commission also determined that further inquiry into certain problems relating to the labeling of upholstered furniture, carpets, rugs, leather and suede might be appropriate and directed the staff to develop a plan for limited inquiry into those areas. Among the subjects the staff will monitor will be the industry's voluntary labeling efforts. While these efforts suggest that a mandatory labeling scheme may be unnecessary, future developments could justify reevaluating the need for a rule in the area.

The amendments approved by the Commission merely clarify existing obligations. They will therefore impose little or no incremental cost on industry members. Rather, these amendments should assure consumers of clear,

accurate care instructions. With clarification of the rule's requirements, manufacturers should be able to minimize inadvertent violations and to avoid unnecessary compliance costs.

Pursuant to the Commission's decisions, the staff is preparing a revised statement of basis and purpose and rule amendments for promulgation by the Commission.

Objectives: The rule and its amendment seek to inform consumers of proper care procedures to safeguard the utility and appearance of purchased textile products. The information thus made available would permit an informed choice among competing products.

Timetable:

Notice of proposed rulemaking [41 FR 3747]—January 26, 1976.

Amendments approved in substance by Commission—December 17, 1980.

Request for technical comments [46 FR 935]—January 5, 1981.

Final Commission decision on proposed amendments—June 24, 1982.

Promulgation of Rule amendments and Statement of Basis and Purpose—October 1982.

Title: Proposed Trade Regulation Rule Concerning Credit Practices

Agenda Contact: David H. Williams, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1100.

Effects on Small Business and Other Entities: The proposed rule would probably affect large and small creditors similarly. This proposal would affect finance companies more than other creditors because finance companies make greater use of the remedies coverd by the rule.

The main costs of creditors' compliance with any rule should be one-time expenses of revising contract forms and instructional materials that they give their employees. Since creditors can spread these costs over all subsequent transactions covered by the rule, costs per transaction should therefore be low.

CFR Citation: Proposed 16 CFR Part 444.

Legal Authority: Federal Trade Commission Act 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: The rule addresses the use in consumer credit transactions of a variety of contractual and other collection remedies. Remedies addressed by the rule include:

1. Confession of judgment—The debtor signs a form which authorizes the creditor to obtain a court judgment against him or her without notice to the debtor of an opportunity to be heard. The rule would prohibit the use of confessions of judgment.

2. Waivers of state property exemption—The debtor waives the right, granted by state law, to keep certain minimal property if a court judgment is obtained against him or her. The rule would prohibit the use of such waivers.

3. Wage assignments—The debtor authorizes the creditor to seize a portion of his or her wages without first obtaining a court judgment. The rule would prohibit the use of wage assignments unless they are revocable.

4. Blanket security interests in household goods—These security interests give the creditor the right to take all of the debtor's household goods in the event of default. The rule would prohibit the use of security interests in household goods except to secure credit used to finance the purchase of such goods.

5. Cross-collateral security interests—These security interests allow a merchant to take all goods that a consumer has purchased from the merchant over an extended period of time, in the event of the consumer's failure to pay for a single purchase. The rule would prohibit cross-collateral security interests unless collateral is released from the security agreement as the consumer pays for it, in the order it was purchased.

6. Deficiencies—Following the repossession and sale of collateral, the creditor can sue the debtor for a deficiency, i.e., the difference between the price obtained by the creditor for the product and the amount the consumer owes. The rule would prohibit collection of deficiencies unless the debtor is credited with the fair market retail value of the collateral.

7. Attorney's fee clauses—These clauses require the debtor to pay the creditor's attorney's fees in the event that legal action to collect a debt becomes necessary. The rule would prohibit such clauses in consumer credit contracts.

8. Late charges—Sometimes late charges are "pyramided", i.e., a creditor allocates payments in such a way that single late or missed payment may result in the debtor being assessed a late fee on all subsequent installments. The rule would prohibit pyramiding of late charges.

9. Third party contracts—The record indicates that some creditors make contacts for debt collection purposes with third parties, such as relatives, neighbors, or the debtor's employer. The rule would require creditors to agree in credit contracts not to engage in third party contracts except to locate debtors or to verify debtor assets.

10. Cosigners—Creditors sometimes have the debtor obtain one or more cosigners who agree to pay the debt if the principal debtor defaults. The rule would require creditors to give cosigners a notice informing them of their obligation, along with copies of documents relating to the debt, and to notify cosigners of serious delinquency on the part of the principal debtor before collecting from a cosigner. When a person is solicited to be a cosigner after an account is in default, the potential cosigner would have to be given a 3-day cooling off period to evaluate his or her obligation.

A variety of alternatives to the staff's recommended rule are under consideration. These include: Substituting a "loser pays" approach to attorney's fees clauses in place of the proposed ban on such clauses; limiting the proposed prohibition against third party contracts to contracts with employers; eliminating proposed protections for cosigners which go beyond disclosure of the obligations they are undertaking; elimination of the proposed prohibition on blanket security interests in household goods; deletion of the proposed cross-collateralization provision from the rule; and modification of the deficiency balances section of the rule to permit creditors to calculate deficiencies based on either the wholesale or retail value of the collateral, as determined by an actual sale.

The Commission will consider all of these alternatives, as well as others sugested by participants in the proceeding, and will decide what form of rule, if any, it should ultimately promulgate.

Although at the present time the Commission does not know what form of rule, if any, it will adopt, it is possible to identify the type of benefits that would result if it promulgates certain provisions of the proposed rule. Millions of consumers may be affected by remedies that the rule would regulate. Several provisions may produce dollar benefits for consumers by reducing excessively large deficiencies, late fees, and attorney's fees. If the final rule eliminates collection methods that result in invasions of privacy or injury to the employment relationship, it may benefit consumers by protecting their privacy or employment security. Eliminating practices by which creditors evade procedural requirements may increase the fairness with which creditors treat consumers and may improve consumers' ability to defend themselves legally

when creditors demand payment even though the consumer has legitimate defenses. Eliminating some security interests may reduce the emotional and economic harm caused by seizure of and threats to seize household necessities. The cosigner provision may reduce the possibility of cosigners unexpectedly finding themselves responsible for debts. These benefits cannot be quantified with precision because the precise impact of each remedy addressed in the rule varies in each individual case.

An important qualitative benefit of any final rule may be fairer treatment of people suffering from financial difficulties. The proposed rule attempts to rectify practices that may result in some creditors unfairly threatening such individuals with the loss of their possessions and jobs and harassment of their friends and relatives.

The cost to consumers of any rule may potentially take two forms: Increases in the price of consumer credit (i.e., interest rate) and reductions in availability of credit to certain consumers.

Based on data in states whose credit laws contain provisions similar to one or more provisions of the proposed rule, economic studies and other information on the record provide an imprecise estimate of the effect a rule would have on the cost of credit. The econometric studies in the record estimate possible increases in the mean annual percentage rete for consumer credit extended by finance companies ranging from 0.19 (taking demand and supply changes into account) to 1.6 percent (taking into account only supply changes), compared to an environment of no regulation whatsoever. Staff believes this is the best estimate of cost impact. However, most states regulate some of the practices addressed in the rule. This fact renders the likely impact of the rule smaller than that predicted by empirical studies, which only measured the difference between a non-regulated environment and the effects of a rule.

Although the rule would restrain certain creditor remedies, the staff believes that such restraints would not prevent creditors from collecting debts. For example, the remedies rated as most valuable by creditors in surveys—self-help repossession [taking of collateral without first going to court] and garnishment [creditor taking a proportion of a debtor's wages directly from the employer pursuant to a court order]—would not be affected by the rule. Moreover, the fact that most serious delinquency is unintentional may limit the economic importance of any collection remedy, particularly of pressure devices such as household goods security and third-party contacts. Any effect on ability to collect debts should already be included in the estimates of interest rate changes.

The incidence of personal bankruptcy is one possible indicator of the benefits from this rule. Staff believes that the available data indicate that states that impose restrictions on harsh creditor remedies (for example, Texas, Iowa, Wisconsin, Connecticut, and Massachusetts) have a significantly lower incidence of personal bankruptcy than the nation as a whole. If the rule reduces the incidence of bankruptcy, the result may be beneficial to creditors as well as to consumers who otherwise would be subject to the costs associated with bankruptcy. Benefit to creditors may occur because, of use of a remedy by one creditor induces bankruptcy, all of the bankrupts' creditors may suffer losses. A relationship between remedies and bankruptcy therefor implies a possible external effect on other creditors from the use of remedies by any one creditor.

Objectives: When debtors default, they become subject to a variety of legal remedies that creditors use to collect money. Many creditor remedies are appropriate collection devices. Certain others, however, may inflict injury on debtors which is disproportionate to the economic value of the remedy. The proposed rule would restrict some of these remedies in cases where their use causes serious harm to debtors which is substantially greater than the resulting economic benefit to creditors from the availability of the collection remedy.

Timetable:

Notice of Proposed Rulemaking [40 FR 16347]—April 11, 1975,

Final Notice Concerning Proposed Trade Regulation Rule [42 FR 32259]—June 24, 1977.

Presiding Officer's Report—August 1978.

Staff Report—August 1980.

Final staff recommendation to Commission—October 1982.

Oral presentation before Commission—December 1982.

Commission consideration—February 1983.

Title: Eyeglasses II

Agency Contact: Gary Hailey, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3452.

Effects on Small Businesses and Other Entities: An Eyeglasses II rule may have an economic impact—both positive and negative—on small entities. The primary impact on small entities could stem from the increased competition in the vision care industry which can be anticipated as a result of the deregulatory effect on the rule. The affirmative requirements of the proposed rule which relate to the release of eyeglass prescriptions and contact lens specifications could stimulate competition by affording consumers the opportunity to comparison shop for prescription eyewear. Similarly, rule provisions removing certain restraints on commercial opthalmic practice could enhance competition in the vision care industry by permitting small entities (i.e., optometrists and opticians) to engage in alternate modes of practice, or to expand, should they desire to do so. On the other hand, the affirmative requirements of a rule could impose some compliance costs. For example, in complying with their obligations to release patients' prescriptions, small entities subject to the rule would be required to incur some record-keeping, postage, and photocopying costs.

CFR Citation: 16 CFR Part 456 (amended).

Legal Authority: Federal Trade Commission Act, 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: The staff of the FTC's Bureau of Consumer Protection has identified a number of state and private restrictions on the delivery of eye care goods and services which may decrease consumer access to vision care services, increase the cost of those services, and impede the growth of alternative methods of organizing eye-care practices. The principal question the Commission is exploring is the impact of the restrictions discussed below on the price, quality, and availability of vision care. The Commission's investigation has sought, through the development of empirical market research, to determine whether higher prices result from these restrictions and, if so, whether offsetting consumer benefits also result from these restrictions. The Commission staff is aware of little evidence to support the assertion by proponents of these restrictions that they are necessary to protect the public health and safety. Any such effect would be the primary cost of the proposed rule.

Restraints that limit or ban "commercial" practice by vision care providers are one type of restriction the Commission has studied. These restraints prevent a practitioner from working for a non-professional corporation, from locating a practice in a high-traffic location (such as department store) and from operating branch offices. These restrictions may inhibit opticians,

optical chains and department stores from competing directly with optometrists because legally they cannot hire optometrists to conduct eye examinations. The restraints also prevent individual practitioners from locating in areas such as shopping centers where the potential for developing high-volume operations is greater than in professional office buildings. The growth of optical chains and other high-volume businesses, which may be able to charge lower prices than small independent practitioners because of economies of scale, appears to be inhibited by these restrictions. Proponents of commercial practice restrictions, however, argue that the restraints are necessary to maintain professionalism and to assure high-quality vision care.

State-imposed limitations on the services that opticians may provide directly to consumers are the second type of restriction under investigation by the Commission. These restrictions prevent opticians from fitting contact lenses and from duplicating a pair of eyeglasses without a prescription. The primary justification advanced in support of these restrictions is that opticians are not technically competent to perform these tasks. However, these restrictions may have a significant economic impact on consumers. For example, if a consumer without a valid prescription cannot have a broken or scratched lens replaced, or have a duplicate pair of eyeglasses prepared from an existing pair of eyeglasses, then he or she must first undergo an eye examination and obtain a prescription. This may add $25 or more to the price of obtaining a duplicate lens or pair of eyeglasses.

The alternatives to an FTC trade regulation rule include a formal complaint against an ophthalmic board or association or practitioner alleged to have engaged in unfair acts or practices, a voluntary guide defining unfair acts or practices, legislative recommendations to Congress or to the States (including development of model state laws), or the release of a public report setting forth the findings of the Staff. These alternatives, however, would not have the same force and effect as a trade regulation rule, and therefore may not be the most efficient method for eliminating existing consumer injury.

Objectives: The objective of the investigation is to prevent consumer injury arising from public and private restraints which increase consumer prices but which do not appear necessary to protect the public health and safety.

Timetable

Advanced Notice of Proposed Rulemaking [45 FR 79823]—December 22, 1980.

Staff recommendation to Commission—December 1982.

Preliminary Regulatory Analysis and Initial Regulatory Flexibility Analysis—If a Notice of Proposed Rulemaking is issued.

Title: Food Advertising

Agency Contact: Melvin H. Orlans, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1529.

Effects on Small Businesses and Other Entities: The proposed rule is not expected to have a significant economic impact on a substantial number of small entities. Small businesses account for a relatively small percentage of food advertising. Moreover, most small businesses engaged in such advertising are retail food businesses that are largely exempted from the rule. These exemptions thus further reduce the minimal impact of the rule on small businesses.

CFR Citation: Proposed 16 CFR Part 437.

Legal Authority: Federal Trade Commission Act, 5, 12, 15, and 18, 15 U.S.C. 45, 52, 55 and 57(a).

Abstract: The proposed rule would standardize certain terms when used in food advertising and require disclosure of additional information in the following areas: Natural food claims; energy and weight control claims; and fat, fatty acid, and cholesterol claims. Foods could be advertised as natural if they contain no artificial or synthetic ingredients and are not more than minimally processed. If a food has been more than minimally processed, it could still be advertised as natural if either the processed ingredients or the processes themselves are disclosed. Additionally, natural foods could not be advertised as superior simply because they are natural. Alternatives under consideration include a simple prohibition against making a natural claim where a food contains artificial or synthetic ingredients, and the possibility of taking no action.

Advertisements making energy claims would have to disclose that the claims mean that the food provides calories. Weight control claims would have to disclose the number of calories in a serving of the advertised food (unless the food meets FDA standards for a "low calorie" food). Consideration will also be given to taking no rulemaking action in this area and to the possibility of incorporating a "sunset" provision.

Finally, the rule would deal with two types of fatty-acid and cholesterol claims: Content claims, which simply state the content (e.g., no cholesterol), and health-related claims which refer to heart or artery disease. Concerning content claims about cholesterol or fatty acids, the rule would require disclosure of either the amounts of the other dietary constituent thought to be related to heart and artery disease or, in broadcast media, a disclosure that the advertised food contains these other components and the label may be consulted for precise information. For health related claims, the rule would prohibit certain claims that are unsubstantiated or false. Other advertisements must disclose the existence of a scientific controversy concerning the relationship between fat and cholesterol in the diet and the risk of heart of artery disease.

A variety of other possible disclosures are being considered in lieu of the recommended disclosures for both content claims and health claims. In addition, case-by-case enforcement as an alternative to rulemaking action will be considered.

With respect to natural food claims, the rule may provide benefits by enabling consumers to determine which foods meet their expectations in this area. The section of the rule dealing with energy and calorie claims also may aid consumers who would be deceived into purchasing products they might not otherwise desire. The fat, fatty acid, and cholesterol portion of the rule may enable consumers to avoid being deceived about the cholesterol-fatty acid content of food or about a food's possible use in minimizing the risk of heart disease. Consumers may be benefited, therefore, by receiving better information that may influence their purchase decisions, possibly to the benefit of their health.

However, there may also be costs imposed by this rule. Thus, the "natural" section might impose costs on consumers who have a different understanding of the term "natural" than the standard promulgated by the rule. Such consumers may find it difficult to locate products they desire. The section of the rule dealing with energy and calorie claims may impose costs on advertisers resulting from the disclosure requirements. The cholesterol-fatty acid provisions may also impose such costs, and might cause certain advertisers to abandon useful claims to avoid the required disclosures.

The staff is in the process of presenting for Commission

consideration a statement of basis and purpose and related documents.

Objectives: The rule is intended to ensure that consumers have accurate and reliable information by prohibiting certain claims in food advertising, and by requiring additional information in some advertisements.

Timetable:

Initial Notice of Proposed Rulemaking [40 FR 23086]—May 28, 1975.

Final Notice of Proposed Rulemaking [41FR 8980]—March 2, 1976.

Final Commission consideration of rule as tentatively approved in May and September 1980—October 1982.

Title: Funeral Industry Practices

Agenda Contact: Pamela J. Coveney, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3432.

Effects on Small Businesses and Other Entities: The rule will require funeral providers to formulate and distribute itemized price lists and to incorporate certain affirmative disclosures into these lists. It will also require funeral providers to retain copies of the price lists and the statements of funeral goods and services for one year. Because most funeral providers are small businesses, the rule will effect a substantial number of small entities.

CFR Citation: 16 CFR Part 441.

Legal Authority: Federal Trade Commission Act 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: On July 28, 1982, the Commission voted to approve a trade regulation rule for funeral industry practices. The rule has the following major provisions:

(1) Price disclosures. The rule would require that consumers be provided with itemized price information in the funeral home upon beginning discussions about particular services or merchandise. It would further require that itemized price information be available to consumers over the telephone upon request and that they be given a written statement listing charges for the services and merchandise they select at completion of their arrangements conference.

(2) Misrepresentations. The rule prohibits certain specific misrepresentations. Funeral providers may not state that embalming is required by law in all cases, that a casket is required by law for direct cremations, or that the law requires an outer burial container to surround the casket in the grave when such is not the case. Another provision prohibits misrepresentations about the preservative value of funeral goods or services.

(3) Other Unfair or Deceptive Practices. The rule would prohibit funeral providers from requiring caskets for direct cremations and would require that unfinished wood boxes or alternative containers be made available to customers desiring to arrange direct cremations. It would further prohibit funeral providers from conditioning the sale of goods or services upon the purchase of other goods or services.

The Commission has considered several alternatives to the proposed trade regulation rule. They include: (1) Taking no action; (2) issuing a non-binding industry guide; and (3) issuing a model state law for consideration by the states. The Commission rejected the first alternative because it believes that current industry practices result in injury to consumers which the rule can eliminate, thereby producing benefits that exceed costs to the industry. It rejected the second alternative, i.e., reliance on industry guides, because there is no assurance that voluntary guides would substantially alter business practices in this market. Since there is no consensus among funeral providers that certain practices, such as unit pricing, are harmful to consumers, the Commission concluded that substantial numbers of funeral directors would not comply with voluntary guides. The Commission rejected the third alternative, reliance on state action, because its review of state legislation pertaining to funerals indicated that most states have not enacted measures which protect consumers to the same degree as the rule.

Many of the rule's provisions, such as the prohibitions on misrepresentation, involve no additional costs to funeral providers. Other provisions, however, entail some compliance costs. Funeral providers who use unit pricing will have to revise their pricing system and to incur the costs of preparing new price lists, notebooks or charts to comply with the rule. They may have to spend additional time in disclosing prices over the telephone. The disclosure provisions of the proposed rule also will result in compliance costs associated with the time it takes funeral providers to prepare these disclosures and incorporate them into these price lists. Another rule provision would require that funeral providers make alternative containers or unfinished wood boxes available to persons wanting cremation. This would impose some compliance costs on funeral providers in the time needed to order and purchase the items, and the space required to store such containers. It is the Commission's judgment, however, that such compliance costs will not exceed the benefits of this provision. The cost of these alternative containers is low, and they can be easily stored.

The Commission judges that the benefits to consumers of the itemization requirements and the required disclosure of information will be significant. Most funeral providers use a system of unit pricing which involves the disclosure of one price for a package of funeral goods and services that the funeral provider pre-selects. With the rule, it will be easier for consumers to shop comparatively, thereby maximizing the opportunity to find the lower-priced merchandise. Consumers also will have access to enough select information at the beginning of the funeral transaction to select only those items that they wish to purchase when arranging a funeral. The rule will also reduce the incidence of other practices that frequently occur, such as embalming without prior permission, failing to disclose accurate information about legal and cemetery requirements and requiring consumers to purchase caskets for cremation.

Objectives: The purpose of the proposed rule is to make detailed, accurate information about prices and legal requirements available to consumers at the beginning of the funeral transaction so that they can make informed choices about the combination of goods and services.

Timetable:

Commission approval of the rule—July 28, 1982.

Issuance of the rule and submission to Congress—September 1982.

Effective date of the rule—The rule will become effective 90 days after the conclusion of the legislative review process if it is not vetoed.

Title: Health Spas

Agenda Contact: John Crowley, New York Regional Office, Federal Trade Commission, 26 Federal Plaza, New York, New York 10278, (212) 264–1213.

Effects on Small Businesses and Other Entities: The proposed rule would have a significant economic impact on a substantial number of small entities by varying required contract terms and imposing monetary refund requirements where none presently exist.

CFR Citation: Proposed 16 CFR Part 443.

Legal Authority: Federal Trade Commission Act, 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: The proposed rule would require that health spa membership

contracts include provisions which would grant consumers the right to cancel and receive a full refund without penalty during a three-day cooling-off period. If a seller's facilities are not yet fully operational, the proposed rule would provide that the consumer's right of cancellation may be exercised within ten days after receipt of notice that the spa facilities are fully operational and available. Following the expiration of the cooling-off period, the proposed rule would require that the health spa contract afford the consumer an additional right to cancel at any time prior to the contract's expiration. In this instance, however, the seller would be allowed to retain a cancellation fee not in excess of 5 percent plus a pro rata portion of the contract price. The balance of the contract price would have to be refunded to the consumer within ten business days after cancellation of the contract.

Other provisions of the proposed rule prescribe the manner and form of giving the consumer notice of his cancellation right, prohibit the use of long-term contracts, and prohibit the receipt of more than 5 percent of the contract price from consumers if a spa is not fully operational and available for use.

All industry members would incur costs for printing new contracts in order to comply with the proposed rule. Membership cancellations attributable to the requirement of the proposed rule would adversely affect the cash flow of health spas. Consumers would benefit from the proposed rule's unlimited cancellation rights to the extent thay are not currently granted by the industry.

Alternatives under consideration include a rule that would prohibit certain business practices by industry members and would require full disclosures of all ramifications of a health spa membership purchase. The costs of this alternative proposal to industry would be minimal, since the major expense would be in printing modifications to existing contracts and possibly supplying consumers with some additional written material. Consumers would benefit by possessing all information necessary to making an informed decision prior to actual purchase of the membership.

Other alternatives under consideration include changes in the nature of the refund requirement, or changes in other provisions of the rule. In addition, the Commission will consider case-by-case enforcement as an alternative to rulemaking.

Objectives: The Rule is intended to create economic incentives for health spas to avoid unfair or deceptive sales practices and to provide consumers with contractual remedies which they can use to protect themselves when necessary.

Timetable:

Initial Proposal (40 FR 34615)—August 18, 1975.

Presiding Officer's Report—April 1979.

Staff Report—Third Quarter FY 1983.

Public Comment on Presiding Officer and Staff Reports—No less than 60 days following publication of staff report.

Title: Hearing Aids

Agency Contact: Marc Winerman, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3553.

Effect on Small Businesses and Other Entities: The proposed rule would give hearing aid buyers the right to cancel purchases within thirty days after sale. Since most hearing aids are sold by small businesses, the rule is expected to affect a large number of small businesses. Should some costs of implementing the rule be passed back from dispensers to manufacturers of hearing aids (e.g., return of aids rejected by customer), there will be some impact on small manufacturers of aids as well.

CFR Citation: Proposed 16 CFR Part 440.

Legal Authority: Federal Trade Commission Act, 5, 12, 15, and 18, 15 U.S.C. 45, 52, 55, and 57(a).

Abstract: The proposed regulation currently under consideration would afford hearing aid purchasers a right to cancel the transaction within 30 days of purchase subject only to specified cancellation charges.

Staff has explored an alternative rule proposal that would require hearing aid dispensers to disclose whether they offer a trial period. An informational remedy may also include specific advertising prohibitions. In addition, staff will consider the possibility of FTC intervention before other Federal agencies regulating the dispensing of hearing aids, as well as case by case enforcement, as alternatives to a Commission rule.

If a trial period is required, the costs of the rule will be the dispenser's loss on the returned aid and the administrative expense of complying with the rule. This loss will be mitigated, among other things, by a cancellation fee and by the opportunity to re-sell the used aid. The greatest impact will be felt by dealers who do no currently offer customers trial periods with the sale of a hearing aid, particularly dealers with a high percentage of dissatisfied customers. Many dealers now offer trials. For these dealers the rule is expected to have little or no impact beyond the administrative cost of complying with the rule, or any change in current practices which may be directed by the Commission with respect to cancellation fees or other charges associated with trials. The benefit will be to protect consumers from deceptive and unfair sales practices, and from the risk that a hearing aid will not significantly enhance hearing.

Objectives: the purpose of this proposal is to prevent deceptive and unfair sales practices in the sale of hearing aids and to give consumers contractual remedies against the risk that a hearing aid device will provide on significant benefit to the user.

Timetable:

Rule Proposed [40 FR 26646]—June 1975.

Presiding Officer's Report—August 1977.

Original Staff Report—November 1978.

Initial Commission Consideration—October 1979.

Revised Staff Recommendation Forwarded to Bureau—October 1982.

Title: Amendment to Trade Regulation Rule Concerning Preservation of Consumers Claims and Defenses ("Holder-in-Due Course Rule")

Agency Contact: David Williams, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1100.

Effects on Small Business and Other Entities: The proposed amendment would extend to creditors the leval responsibility for compliance with the existing rule (16 CFR Part 433). Because transactions in question are already covered by the rule, any effects on small creditors should be minor and will occur only as a result of increased compliance, not from new substantive responsibility. Because the existing rule already applies to retail sellers, the amendment should have no appreciable effect on other small businesses.

The amendment will shift some compliance responsibility from small businesses to creditors which control the contract form. Technical changes clarifying the amendment should reduce certain costs now expended in complying with the rule when a seller is uncertain of its coverage.

CFR Citation: 16 CFR Part 433.

Legal Authority: Federal Trade Commission Act 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: The original rule, effective in May 1976, requires sellers to ensure that credit contracts used in consumer installment sales and purchase money

loans (loans made to finance a purchase from a seller with whom the lender has a working relationship directed at consumer sales or financing) contain a provision which makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller. The amendment would extend to creditors who make purchase money loans or who purchase retail installment contracts the obligation to ensure that credit contracts contain the required provision. The amendment also would make six technical revisions in the rule to facilitate compliance, clarify sellers' and creditors' liability for failure to comply and make the required contract clause more comprehensible to consumers.

During the course of the proceeding the Commission has considered four major alternative courses of action. These were:

1. Rejection of the amendment. This would have left the rule in its original form with compliance obligations imposed only on sellers.

2. Postponement of decision on the amendment, pending acquisition of more information on the level of compliance with the original rule.

3. Adoption of the amendment in the form originally proposed. This alternative would have extended the rule to creditors in the same manner as the amendment that was adopted. In addition, compliance obligations with respect to purchase money loans would have been removed from sellers. No other revisions or clarifications would have been made in the rule.

4. Adoption of an amendment extending the rule to creditors and also making additional technical improvements in the rule to respond to concerns raised during the proceeding.

The most fundamental choice before the Commission is whether to adopt some form of amendment extending compliance obligations to creditors. The staff believes creditors should be covered, based largely on evidence that creditors play a major, and often dominant, role in determining whether credit contracts covered by the rule contain the required language preserving consumer rights. Creditors frequently draft the installment sales contracts used by associated sellers and virtually always are responsible for the purchase money loan contracts they use themselves. Moreover, when creditors use (or purchase from sellers) contracts that violate the original rule, the resulting cutoff of consumer rights is the specific legal result of creditor participation in the transaction.

The proposal would amend an existing rule, so the ultimate benefits are those achieved by the rule itself: An overall improvement in the retail marketplace due to increased scrutiny by creditors of the sellers with whom they do business; availability to consumers of certain legal claims and defenses against creditors which would otherwise be foreclosed in the event of dispute between the consumer and the third-party creditor. Specifically, the amendment may enhance compliance with the rule by making creditors directly responsible for inclusion of the required contract provision.

Staff believes cost of compliance with the amendment should be minimal. Evidence of record in this proceeding indicates that many creditors already undertake many or all the steps which are required, directly or indirectly, by the amendment. This is because creditors are often the originators and suppliers of the contracts used in the transactions covered by the existing rule. Some creditors may have slightly increased costs associated with screening contracts and maintaining current awareness of the business reputations of the retailers with whom they deal. Staff believes costs are not likely to be substantial.

Objectives: The underlying objective of the amendment is the same as that of the original rule—to ensure that a purchaser's duty to pay is not separated from sellers' duty to perform as promised when consumer sales are financed by third party creditors or purchase money lenders.

The extension of compliance obligations to creditors is intended to encompass within the rule all parties to the practices covered by the rule. It should also enhance enforcement of the rule because in many transactions covered by the rule creditors play an important role in determining the content of contracts. The technical changes made in the rule by the amendment are intended to make the rule easier for consumers and business to work with and understand.

Timetable:

Promulgation of Trade Regulation Rule and Statement of Basis and Purpose [40 FR 53506]—November 18, 1975.

Notice of Proposed Amendment to Trade Regulation Rule [40 FR 53530]—November 18, 1975.

Final Notice of Proposed Amendment [41 FR 5305]—February 5, 1976.

Guidelines on TRR Concerning Preservation of Consumers' Claims and Defenses [41 FR 20022]—May 14, 1976.

Statement of Enforcement Policy [41 FR 34594]—August 16, 1976.

Two-Party Open End Consumer Credit Contracts [42 FR 46509]—September 16, 1977.

Presiding Officer's Report Regarding Proposed Amendment [43 FR 6810]—February 16, 1978.

Staff Report on Proposed TRR Amendment [43 FR 54950]—November 24, 1978.

Commission approval of substance of amendment and invitation to comment on text changes [49 FR 65771]—November 15, 1979.

Final Commission Action—November 1982.

Title: Amendment To Labeling and Advertising of Home Insulation Rule

Agency Contact: Kent Howerton, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington D.C. 20580, (202) 376–2891.

Effects on Small Businesses and Other Entities: The rule revision under consideration is not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6). The Commission has, however, requested public comment on the extent to which small businesses would be affected by the rule's television advertising disclosure requirements or possible alternatives in its Advance Notice of Proposed Rulemaking, 46 FR 47236, September 25, 1981. Similarly, the Commission's decision to lift the stay of the representative thickness testing requirement is not expected to have a significant impact on small businesses.

CFR Citation: 16 CFR Part 460.

Legal Authority: Federal Trade Commission Act, 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: The Commission's home insulation trade regulation rule became effective on September 29, 1980. The rule requires manufacturers of insulation products sold for residential use to test their products to determine insulating ability ("R-Value"), and to disclose R-Value and related information on product labels and on fact sheets to be made available to consumers by retailers and professional installers. It requires disclosure of R-Value and related information by insulation retailers and installers and by new home sellers. It requires advertisers to have a reasonable basis for energy savings claims they make about specific insulation products, and to disclose specific additional information in advertisements or other promotional

materials when they make energy savings claims about an insulation product or refer to the products thickness, R-Value or price.

The Commission has announced its intention to reopen the rulemaking proceeding to consider whether it should amend the rule's disclosure requirements insofar as they apply to television advertising. [See ANPR, 46 FR 47237 (September 25, 1981)]. The Commission has temporarily delayed the effective date of those disclosure requirements pending completion of these amendment proceedings.

The TV advertising disclosure requirements currently in the rule may benefit consumers by ensuring that consumers have an opportunity to understand and evaluate claims that may otherwise lead to misguided purchasing decisions. In many cases, R-Value competition should redound to the benefit of smaller manufacturers whose products often compare well on an R-Value basis with those manufactured by the dominant members of the industry. The disclosure requirements should allow the smaller industry members to compete more effectively with the largest members of the industry.

The Commission fashioned the original disclosure requirements, wherever possible, to contain the least restrictive alternative for providing essential information to the consumer purchasing insulation. From evidence in the rulemaking proceeding, the Commission found that the disclosure requirements would not impose substantial costs on industry members. The Commission reduced recommended advertising disclosures, particularly in the area of savings claims, in an attempt to minimize intrusion on advertising space and time. It also designed the R-Value explanatory disclosure for advertisements in summary fashion, referring the consumer to fact sheets at the point of sale for more detailed information, in an attempt to minimize the economic burden on advertisers.

The major element of cost attributable to the rule's TV advertising disclosure requirements is the time necessary to make either of the two alternative audio disclosures required only when specific claims are made in the advertisement. The audio disclosure will consume approximately five (5) to ten (10) seconds of the TV advertisement.

Notwithstanding the Commission's findings based on the previous rulemaking record, the Commission now is interested in examining further the impact of the rule's disclosure requirements for television advertising, and the impact on benefits and costs of possible alternatives to those requirements. The Commission invited submission of evidence and the views of interested parties concerning whether or not the Commission should amend the TV advertising disclosure requirements. Possible alternatives to the disclosure requirements of the rule originally promulgated include: amended disclosures or disclosure language; shortened disclosures; no disclosures; and different requirements as to the manner in which required disclosures must be made. The staff is presently reviewing the comments received in response to the ANPR and is preparing its recommendations for Commission consideration.

In addition, the Commission has determined to lift the temporary stay of the requirement (16 CFR 460.6) to test insulation of its representative thickness. The basis for this decision is the availability of thick calibration testing samples from the National Bureau of Standards, so that such testing is commercially feasible. The costs imposed on the insulation industry involve the changeover to new testing methods and any necessary changes in production, packaging or labeling. It should be noted, however, that—but for the stay of § 460.6—these costs would have been imposed by the original rule. Lifting of the stay will benefit consumers by eliminating the misleading overstatement of R-Value resulting from thin sample testing; it will also permit a more accurate comparison of the R-Values of competing insulation products.

Objectives: The objective of the reopening with respect to television advertisements is to explore less burdensome alternatives to the disclosure requirements promulgated in August 1979. The objective of the representative thickness requirement is to ensure that the R-Values disclosed are as accurate as possible.

Timetable: Proposal to stay representative thickness testing requirement and television advertising disclosure requirement of rule [45 FR 37674]—June 1, 1980

Temporary stay of representative thickness testing requirement and television advertising disclosure requirements issued [45 FR 54702]—August 15, 1980

Rule (except provisions temporarily stayed) effective—September 29, 1980

ANPR concerning reopening of proceeding to consider television advertising disclosure requirements [46 FR 47236]—September 15, 1981

Notice of intention to lift stay of representative thickness testing requirement [47 FR 6026]—February 10, 1982

Lifting of stay of representative thickness testing requirement [47 FR 36806]—August 24, 1982

Commission consideration of television advertising disclosure requirements—February 1983

Title: Mobile Home Sales and Service

Agency Contact: Eloise Gore or Allen Hile, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3500.

Effects on Small Businesses and Other Entities: Most of the approximately 200 mobile home manufacturers and 12,000 mobile home dealers in the U.S. are small businesses. The proposed rule will have an impact on these businesses. The rule is not expected to have an impact on other small entities.

CFR Citation: Proposed 16 CFR Part 441.

Legal Authority: Federal Trade Commission Act, 5 and 18, 15 U.S.C. 45 and 47(a).

Abstract: The staff has recommended a trade regulation rule concerning warranty practices in the mobile home industry. The recommended rule would set 30-day time limits within which a warrantor must complete warranty repairs and would require warrantors or their service agents to make a pre-occupancy inspection of a home. It would also require that manufacturers who offer written warranties on mobile homes maintain recordkeeping systems and disseminate a consumer questionnaire to monitor the adequacy of factory and dealer repairs. The recommended rule also would require that manufacturers enter into written service agreements with dealers and others who perform warranty repairs which specify who is responsible for making repairs. Under the recommended rule, written warranties would have to include specific time deadlines for service; set up and transportation damage could not be excluded from coverage; and repairs could not be contingent on return of the home to the factory or return of a registration card.

The recommended rule would affect most heavily those firms that do not currently meet their warranty obligations in an adequate or timely manner. For such companies, the rulemaking staff estimates that the total compliance costs of the recommended rule in 1981 dollars would be no greater than $139 per mobile home for large firms, $145 per mobile home for medium-sized firms, and $163 per mobile home for small firms. Since about 80 percent of all mobile homes are sold by

companies that manufacture 1,000 units or more annually, unit cost increases for most homes should not exceed the $145 per home estimate applicable to medium-sized firms. This figure represents roughly 1 percent of the average wholesale price of a new home.

The recommended rule would tend to spread the risk of defect-related repair costs among all mobile home purchasers. Staff estimates that slightly over 20 percent of buyers of new mobile homes would save about $242 on repairs that manufacturers or dealers previously would have refused or otherwise failed to service under warranty. Owners would also be spared unquantifiable but nonetheless real transaction costs. An additional 15 percent of buyers would have service expedited by an aveage of about 4 months. While it is again difficult to assign a dollar value to this improved service, staff believes that benefits would be substantial, since consumers are presumably anxious to have problems corrected promptly.

It is possible that the risk-sharing benefits discussed above could largely offset total compliance costs. By assigning ultimate responsibility for set-up defects to manufacturers, the recommended rule is designed to motivate companies to monitor dealer performance more closely and help ensure that the useful life of homes will not be shortened by structural deterioration from improper installation and leveling. Thus, the rule could lower manufacturing and set up defect rates. Consumers may also benefit from stricter quality control at the factory. (Although such quality control and dealer monitoring functions would impose costs not included explicitly in the $145 compliance cost estimate, these efforts would be undertaken only if they at least paid for themselves in reduced warranty outlays. Thus, $145 if a valid upper-limit estimate of combined warranty, quality control, and monitoring costs.) Improvements in product quality or warranty service could also encourage lending institutions to offer more attractive credit terms to mobile home purchasers, if improvements reduce the risk that defects will reduce the resale value of the home. Finally, industry compliance with the recommended rule's performance standards may allow consumers to comparison shop more easily for mobile homes, if consumers use written warranties as an indication of quality.

The appropriate degree of flexibility for each rule provision remains to be resolved. An alternative to specific time deadlines for warranty repairs would be to allow individual manufacturers and dealers to set their own deadlines, as long as they were disclosed in their warranties. The recommended rule sets out eight issues that must be addressed in the written service agreement between the manufacturer and dealer. If specific service deadlines and related requirements are retained in any final rule, they may obviate the need for the rule to require written agreement to include some of the terms that essentially track obligations the recommended rule would impose on manufacturers.

Consideration will also be given to the need for a pre-occupancy inspection and whether responsibiity for set-up and transportation damage should rest on the manufacturer.

Finally, the recommended rule requires manufacturers to monitor the effectiveness of factory and dealer warranty repairs by maintaining service records and disseminating consumer questionnaires. An alternative may be to have manufacturers select their own monitoring devides, rather than require the use of a questionnaire.

Since the provisions to be included in a final rule are stil being evaluated, the costs and benefits of the final rule, if one is adopted, may differ from those of the recommended rule. The Commission will also consider case-by-case enforcement as an alternative to rulemaking.

Objectives: Most mobile home manufacturers offer a one year written warranty to cover defects in the materials and workmanship of the home. The purpose of the recommended rule is to create additional incentives for warrantors to fulfill their warranty obligations.

Timetable:

NPRM—40 FR 23334, May 29, 1975.

Final NPRM—42 FR 26398, May 23, 1977.

Presiding Officer's Report—August, 1979.

Staff Report—August, 1980.

Final Staff Recommendations to Commission—January, 1983.

Oral Presentation before Commission—March, 19083.

Commission consideration—Third Quarter FY 1983.

Title: Proprietary Vocational and Home Study Schools

Agency Contact: Walter Gross, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202)523–3860.

Effects on Small Business or Other Entities: Most of the 6,000 schools that would be affected by the rule are small businesses. Therefore the rule is likely to affect a substantial number of small entities.

CFR Citation: Proposed 16 CFR Part 438

Legal Authority: Federal Trade Commission Act, and 18, 15 U.S.C. 45 and 57(a).

Abstract: The rule as originally issued by the Commission in 1978 required proprietery vocational and home study schools to provide pro rata refunds to students who withdraw from their courses; to provide information to prospective students concerning the school's graduation and placement records, and to provide an initial, fourteen day cooling-off period in which students could cancel their enrollment contracts and receive full refunds. In 1979, the Second Circuit Court of Appeals remanded the rule for further consideration of the breadth of the pro rata refunds requirement and the manner in which the rule required disclosure of placement and earnings information. The Court also found the rule to be procedurally deficient for not specifying the unfair or deceptive trade practiuces the rule sought to prevent.

On July 10, 1982, the Commission published the staff's recommended revised draft of the rule for sixty days of discussion and comment by interested parties. After these discussions, the staff prepared new recommendations for Commission consideration.

Alternatives under consideration include a rule that would give schools the option of providing either a strict pro rata refund remedy or a track record disclosure, a rule that would require both, a rule requiring some refunds but not on a strict pro rata basis, and a rule with no refund requirement at all. Other modifications may also be considered. Alternatives to rulemaking include case-by-case enforcement, and FTC intervention before other state and federal agencies having jurisdiction over vocational schools to prevent deceptive practices.

The rule may benefit consumers by enabling them to avoid expenditures on inappropriate courses and increasing the effectiveness of the vocational school industry in training and placing people in productive jobs.

The cooling-off track record disclosures and refund components of the rule variations under consideration would impose real social costs on schools covered. These would include administrative costs associated with processing cancellations and collecting and disseminating information. Price increases may result from these costs as

well as the possibility of paying out increased refunds. Schools will face these added costs to varying degrees. Many already screen prospective students, and several schools voluntarily provide track record information. The rule should be most costly to schools that use unfair or deceptive practices to induce students to enroll in their courses. Schools that do not use these practices may not incur significant cost increases.

Objectives: The rule seeks to avoid deceptive sales practices by requiring schools to provide material information to prospective students, and to provide students with contractual remedies which they can use to protect themselves when necessary.

Time Schedule:

Proposed rule published August 15, 1974 [39 FR 29385].

Final rule published, December 18, 1978 [43 FR 60796].

Rule set aside and remanded by Second Circuit.

Court of Appeals December 13, 1979 [*Katherine Giggs Inc. v. FTC,* 612 F.2d 6548 (2nd Cir. 1979).

New staff recommendation published, July 10, 1981 [46 FR 35668].

Commission consideration of matter, February 1983.

Title: Protein Supplements

Agenda Contact: Harrison Sheppard, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102 (415) 556–1270.

Effects on Small Businesses and Other Entities: Large firms make most sales of protein supplements. However, a sizeable number of small firms also produce such products, and would be subject to the rule.

CFR Citation: Proposed 16 CFR Part 454.

Legal Authority: Federal Trade Commission Act 5, 12, 15 U.S.C. 45, 52.

Abstract: The proposed rule addresses the advertising and labeling of protein supplements in three ways. First, there are provisions designed to inform consumers of certain health hazards. Thus, for example, a labeling disclosure would be required warning against use for infants. Second, the rule would prohibit certain false or deceptive claims, such as the claim that use of a protein supplement can counteract or delay the signs of aging. Third, the rule would require a general disclosure in the advertising and lableing of these products that most Americans receive all the protein they need from the food they eat. Public comments on the staff and presiding officer's reports have been analyzed by the rulemaking staff and are now being considered by the Bureau of Consumer Protection. Alternatives under consideration include a rule omitting any of the three major kinds of requirements of the proposed rule, as well as a case-by-case approach to enforcement.

Adoption of the proposed rule may benefit the public by reducing and deterring the incidence of hazardous, false or misleading representations concerning the composition, use and effects of protein supplements. The costs to the public of adoption of the Rule would include cost of changing labels and costs attributable to advertising disclosures. Apart from the loss of business obtained through misleading representations, the staff believes the costs to business of adoption of the rule are likely to be small.

Objectives: The proposed rule was developed to limit misrepresentations in advertising and labeling and to provide information that some of these products may be inappropriate or hazardous for certain uses (e.g., for infants). The rule was also proposed to remedy misrepresentations about the need for dietary protein supplements to the typical consumer diet.

Timetable:

NPRM—40 FR 41144, September 5, 1971.

Final Notice of Proposed Rulemaking—41 FR 10232, March 10, 1976.

Additions and Modifications to Final Notice—41 FR 22593, June 4, 1976.

Presiding Officer's Report, June 15, 1978.

Staff Report, July 24, 1979.

Final Staff recommendations to the Commission—Third Quarter FY 1983.

Oral Presentation before Commission—Third Quarter FY 1983.

Commission consideration—Fourth Quarter FY 1983.

Title: Standards and Certification

Agency Contact: Robert J. Schroeder, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3150.

Effects on Small Businesses and Other Entities: The rule may have a significant economic effect—both positive and negative—on small entities. Many complaints about injurious standards and certification actions were filed by small businesses who believed they were being disadvantaged in the marketplace. The rule is aimed at alleviating these injuries. On the other hand, most of the standards and certification organizations that would be subject to the rule (and therefore to any compliance costs) are small entities.

CFR Citation: Proposed 15 CFR Part 457.

Legal Authority: Federal Trade Commission Act, sections 5 and 6(g), 15 U.S.C. 45 and 46(g).

Abstract: More than 20,000 private standards exist, setting requirements for products ranging from nuts and bolts to computers. These product standards are set by trade associations, technical and professional societies, product testing laboratories, and other private-sector groups. They are relied on by consumers, building code officials, Federal and State agencies, and others for regulatory and procurement purposes. Generally, these standards provide significant benefits, such as lowering the cost of communications between buyers and sellers; improving the transfer of technology; encouraging efficiencies in design, production, and inventory; and assuring the safety, fitness, energy efficiency, or other aspects of product performance. However, substantial injury to competitors and consumers can occur when standards development or certification blocks the use of superior or lower cost technology, prevents businesses from competing in profitable industries, establishes inadequate or excessive product safety levels, inflates product prices or deceives consumers about the quality of a product.

More than 15 complaints filed with the Federal Trade Commission during the rulemaking proceeding allege injuries to competition and consumers. These injuries may occur for a number of reasons. The procedures that some private standards setting and certifying organizations use may be inadequate to prevent the process from being dominated by large producers, who have the resources to participate actively and hold positions of authority in the organizations, at the expense of small businesses and consumers. Economic injury may also occur if private standards development and certification organizations fail to examine potential adverse market effects of their actions. In addition, competitive and consumer injury may occur if such organizations fail to respond to challenges to their standards in a fair and timely manner—for example, if they do not update standards in response to technological change.

The rule that was proposed in 1978 would require standards developers to provide notice of their standards setting proceedings to representatives of all interests that are likely to be affected and to assure all interested persons fair opportunity to participate in the proceedings. Further, it would require

the establishment of challenge and appeal mechanisms to resolve complaints about deceptive or unduly restrictive standards. Certifiers covered by the rule would be responsible for the truthfulness of their certifications, and would be obligated to take action to stop misuse of their seals of approval by producers.

This rulemaking is affected by the Federal Trade Commission Improvements Act of 1980, Pub. L. 96–252. More specifically, the Commission's authority to issue the Standards and Certification rule with respect to "unfair or deceptive acts or practices" under section 18 of the FTC Act has been removed. The 1980 Act leaves unaffected whatever authority the FTC might have under any other provision of the FTC Act to issue a rule with respect to "unfair methods of competition." The Commission has determined that the most efficient way to decide what Commission action, if any, is necessary in this area is to complete the analysis of the rulemaking record gathered to date (46 FR 10747).

In addition to an FTC rule addressed to unfair methods of competition, there are a variety of possible Commission actions under consideration. Industry guides or statements of enforcement policy could be issued and these could be enforced on a case-by-case basis, or cases alone could be used to enforce the law. While a rule would create definite costs of compliance, it may also ensure more rapid, across-the-board compliance than guides and/or cases, and therefore may be a more efficient way of eliminating existing consumer and competitive injuries. Also under review are other government activities that affect the area to determine whether their impact on competitive and consumer problems would reduce the need for FTC action. One such activity is implementation of OMB Circular A–119, Federal Participation in the Development and Use of Voluntary Standards. If the Circular, or some other action, alleviates consumer and competitive injuries, a Commission case-by-case enforcement approach may be sufficient, eliminating any costs associated with a rule.

Objectives: Activity in this area is intended to reduce the incidence and severity of injuries to competition and consumers that may result from private standards development and product certification activities.

Timetable:

Notice of Proposed Rulemaking—December 7, 1978; 43 FR 57269.

Final Staff Report—December 1982.

Presiding Officer's Report—60 days after Staff Report.

Post-Record Comments—60 days after Presiding Officer's Report.

Title: Used Motor Vehicles

Agency Contact: Susan M. Liss, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–1670.

Effects on Small Businesses or Other Entities: If adopted, the rule would have affected all dealers of used cars (defined as those who sell five or more used cars a year). Therefore, the rule would likely have affected a substantial number of small entities.

CFR Citation: Proposed 16 CFR Part 455.

Legal Authority: 15 U.S.C. 45 and 57(a); 15 U.S.C. 2309(b).

Abstract: The rule would have required dealers to post a window form on used cars sold to consumers which disclosed, in plain language, information concerning warranty coverage offered (if any), the meaning of an "As Is" sale (in which neither express warranties nor implied warranties are offered), and other important information. The form would have also informed consumers that oral promises are difficult to enforce and would have required the dealer to disclose certain specific mechanical condition defects known to him.

The rule would not have required dealers to offer any warranties on used cars sold, but it would have required that dealers who choose to offer written warranties disclose the basic scope and terms of the warranty coverage provided. Dealers would not hve been required to inspect vehicles under the rule, but dealers who are aware of certain specific defects in the car at the time of sale would have been required to disclose their existence. Consumers would benefit by choosing cars based on better information about the vehicle's condition and warranty coverage.

The Commission believed that the information benefits provided by the promulgated rule exceeded the costs of the regulation. Costs to individual dealers would have been limited to the cost of the form itself (projected to be 18 cents) and the administrative costs associated with filling in the required information. Projected costs of acquiring the information were considered to be zero because only information already known needed to be disclosed.

The rule and accompanying Statement of Basis and Purpose and Regulatory Analysis were published in the **Federal Register** on August 14, 1981. All of the alternatives that were considered, along with an analysis of their costs and benefits, are set forth in the Regulatory Analysis and Statement of Basis and Purpose at 46 FR 41375 to 41377. The alternatives considered included a rule mandating inspections, a rule providing for optional inspections, a mandatory third-party inspection opportunity, a cooling-off period, and various mandatory disclosures. The promulgation date for the rule was August 18, 1981. The Commission submitted the rule to Congress for review under the provisions of the FTC Improvements Act of 1980 on September 9, 1981. Because the required 90 legislative day review period did not expire before Congress adjourned in 1981, the Commission resubmitted the rule on January 28, 1982 for another 90-day review period. The rule was considered by Congress and was vetoed on May 26, 1982. The Commission has taken the rule under consideration in accordance with Section 21(c) of the FTC Improvements Act of 1980. 15 U.S.C. 57a–1(c) (Supp. IV 1980). Consumers Union has filed a lawsuit challenging the constitutionality of the legislative veto of this rule and is seeking a court order that the Rule become effective. *Consumers Union of U.S., Inc. and Public Citizen, Inc. v. FTC et al.*, No. 82–1512 (D.D.C.).

The Commission will consider how best to proceed under these circumstances. Alternatives include a new rule which would require dealers to post a window sticker indicating the extent of any warranties offered with the car or whether the car is being sold "As Is," or awaiting the outcome of the legal challenge to the Congressional veto of the rule.

Objectives: The rule was designed to define and prevent deceptive practices in the sale of used cars by dealers that may result in substantial consumer injury. These deceptive practices include oral misrepresentations by dealers about warranty coverage (e.g., misrepresentation that a warranty is offered or of the terms of a warranty, failures to disclose the meaning of warranties and warranty disclaimers prior to sale) and oral misrepresentations about the mechanical condition of used cars (e.g., false claims about condition, failures to disclose known defects, claims about condition made without a reasonable basis).

Timetable:

Notice of Proposed Rulemaking—41 FR 1089, January 6, 1976.

Final Rule Promulgated by Commission—August 18, 1981.

Resolution of disapproval adopted by Senate—May 19, 1982.

Resolution of disapproval adopted by House—May 26, 1982.

Commission consideration of alternatives—October, 1982.

Title: Pre-Sale Availability of Written Warranty Terms (Existing regulation; modifications under consideration)

Agency Contact: Eloise Gore, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3500.

Effects on Small Businesses and Other Entities: The rule applies to all manufacturers and retailers of consumer products that are warranted and cost more than $15.00. Therefore, both small and large businesses are affected. The limited available data do not provide a precise measurement of the magnitude or significance of the impact on small businesses. However, FTC staff is about to undertake a survey under the Regulatory Flexibility Act to measure the effect of the rule on "small" manufacturers and retailers.

CFR Citation: 16 CFR Part 702.

Legal Authority: Magnuson-Moss Warranty—Federal Trade Commission Improvements Act, 15 U.S.C. 2302(b)(1)(A) and 2309(a).

Abstract: The current Pre-Sale Availability Rule requires that retailers of consumer products costing more than $15 make warranty texts available to consumers prior to purchase by placing the warranty text in one or a combination of four specified locations: (1) On the product, (2) in a binder, (3) on the package, or (4) on a sign. Manufactuerers are required to provide materials sufficient for retailers to meet their obligations.

The Rule modifications currently under consideration would reduce retailers' obligations. One modification would provide two options for making warranties available: (1) Displaying the warranty text(s), and/or (2) displaying a sign indicating the availability of warranty text(s) upon customer request. In addition, staff is considering raising the dollar threshold for coverage of the Rule, and automatic adjustment of this threshold amount to reflect the inflation rate. Modification to manufacturers' compliance options are also under consideration, including a requirement that manufacturers affix the warranty text to all warranted consumer products or supply retailers with tags or labels containing the warranty text for them to affix to all displayed products.

Changes in the rule could produce benefits by reducing total costs of compliance with the present rule for retailers and manufacturers, or by more efficiently allocating compliance obligations between retailers and manufacturers. Costs may arise from reductions in the benefits of the present rule in making warranty information available to consumers.

The Commission is examining the costs, benefits, and overall effects of the Rule to ascertain which modifications would be most efficient and effective. Two large-scale surveys are being conducted to examine consumer experience with warranties and to measure the effect of the current Rule on manufacturers and retailers. The Commission believes the results of these surveys will provide valuable additional information to assist it in formulating amendments to the Rule. The Commission will formally consider this after staff has completed its analysis of the survey data.

Objectives: The Magnuson-Moss Warranty Act (15 U.S.C. 2302(b)(1)(A)) requires that the Federal Trade Commission promulgate a rule to require that the terms of written warranties for consumer products be made available to consumers prior to purchase. The Rule modifications currently being considered are intended to achieve the Congressional objective more effectively by making the Rule requirements more flexible and thus lessening the costs and burdens of compliance while still ensuring consumers access to warranties prior to purchase.

Timetable

Promulgation of the Orginal Rule—December 31, 1975 [45 FR 60168]

Commission consideration of proposed rulemaking to modify the Pre-Sale Availability Rule—March, 1983.

Title: Amendments to Octane Posting and Certification Rule

Agency Contact: James Mills, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 376–2891.

Effects on Small Businesses and Other Entities: The rule may have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6). The rule's octane posting requirements apply to all 180,000 retail gasoline dealers, and its certification requirements apply to approximately 20,000 wholesalers and distributors.

CFR Citation: 16 CFR Part 306.

Legal Authority: Petroleum Marketing Practices Act, 15 U.S.C. 2801 *et seq.*

Abstract: Title II of the Petroleum Marketing Practices Act (Pub. L. 95–297, June 19, 1978) required the Commission to promulgate a rule which establishes standard procedures for determining, certifying and posting by means of a label on a the fuel dispenser, the octane rating of automotive gasoline intended for sale to consumers. The Commission's rule was promulgated on March 30, 1979 and became effective on June 1, 1979. The rule is intended to enable consumers to buy a gasoline with an octane rating that is high enough to prevent inefficient and harmful "engine knock." It is also intended to help consumers avoid buying gasoline with an octane rating that is too high for their needs. The decline of this practice, known as "octane overbuying", could result in gasoline price savings to consumers, more efficient use of energy resources and lower levels of air pollution from automotive exhaust emissions. Although compliance with the rule's testing, certification and posting requirements imposes costs on affected industry members, the rule's requirements parallel those which have been statutorily imposed in the first instance by the Petroleum Marketing Practices Act. In standardizing procedures for complying with these requirements, therefore, the rule adds little, if any, additional cost.

In addition to its major provisions, the rule also contains recordkeeping requirements which require gasoline refiners and importers to retain test records and gasoline distributors and retailers to retain octane certification records for one year. The purpose of this provision is to determine compliance with the rule by enabling appropriate law enforcement officials to trace the source of inaccurate octane representations. While the Commission, in promulgating these requirements, has attempted to minimize the burden on small businesses, the staff now believes that the rule's recordkeeping requirements may be unnecessary and that sufficient incentives may exist to retain the records without mandatory requirements. Accordingly, the staff will consider a proposed rule amendment which, through appropriate rulemaking procedures, would delete the rule's recordkeeping requirements.

Objectives: By providing consumers with accurate information concerning octane rating the rule is intended to enable them to buy gasoline with a sufficiently high octane rating to prevent "engine knock" and to avoid buying gasoline with an octane rating that is too high for their needs. The rule's recordkeeping requirements are intended to ensure the accuracy of the octane representations made. The proposed amendment proceeding will

consider whether these requirements are necessary for enforcement of the rule.

Timetable:

Rule promulgated [44 FR 19160]—March 30, 1979.

Rule effective—June 1, 1979.

Staff recomendation to Commission—December 1982.

Title: Retail Food Store Advertising and Marketing Practices

Agency Contact: Lewis Franke, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 376–2891.

Effects on Small Businesses and Other Entities: Since the rule applies to all retail food stores, it may have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6). Accordingly, the Commission will commence a periodic review of the rule pursuant to section 610 of the Act to assess the magnitude of such impact and the extent to which it may be reduced.

CFR Citation: 16 CFR Part 424.

Legal Authority: Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

Abstract: The Commission's Rule on Retail Food Store Advertising and Marketing Practices was promulgated on May 13, 1971, 36 FR 8781. The rule states that it is an unfair method of competition and an unfair or deceptive act or practice to offer for sale at a stated price by means of an advertisement, grocery products or other merchandise unless such products are in stock and conspicuously and readily available for sale to customers during the effective period of the advertisement at or below the advertised prices. The rule was designed to remedy problems of the unavailability of advertised products (*e.g.*, insufficient stock to meet reasonably anticipated demands) and the mispricing of advertised products (*e.g.*, shelf prices marked higher than advertised sale prices). The rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. In addition, price competition may be aided by the elimination of deceptive price claims, since consumers attracted to a particular store by an advertisement now have the right to receive the benefit of any offered price savings. Costs that may be attributable to the rule include the cost of maintaining sufficient inventory to meet anticipated demand and costs associated with the monitoring of price changes, prices, and labeling.

In accordance with section 610 of the Regulatory Flexibility Act, the Commission will shortly commence a review of this rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended to minimize any such impact.

Objectives: The objectives of the rule are to ensure that consumers receive at the grocery store the prices and goods offered to them in the store's advertisements and to enable retail food stores to compete fairly on the basis of price. The objective of the Commission's review under the Regulatory Flexibility Act is to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule can be revised to minimize this impact consistent with the rule's objectives.

Timetable:

Rule promulgated [36 FR 8781]—May 13, 1971.

Rule effective—July 12, 1971.

Request for public comment on Regulatory Flexibility Act review of rule—Fourth Quarter fiscal year 1983.

Title: Cooling-Off Period for Door-to-Door Sales

Agency Contact: Lewis Franke, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 376–2891.

Effects on Small Businesses and Other Entities: Since the rule affects all door-to-door sellers, it may have a significant economic effect on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6). To assess the possible impact of the rule on such small entities, the Commission is commencing a review of the rule in accordance with section 610 of the Regulatory Flexibility Act.

CFR Citation: 16 CFR Part 429.

Legal Authority: Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

Abstract: The Commission's rule on a cooling-off period for door-to-door sales was promulgated on October 26, 1972. The rule states that it is an unfair or deceptive act or practice for sellers of consumer goods or services with a purchase price of $25.00 or more who sell away from their place of business to fail to furnish to the buyer certain information regarding the buyer's right to cancel sales within three business days from the date of the transaction and to give the buyer a full refund of any down payment upon the buyer's cancellation. The rule requires a seller to furnish the buyer with a complete receipt or copy of a contract pertaining to the sale, along with a summary notice informing the buyer of the right to cancel the transaction. The rule also requires the seller to furnish the buyer with a completed Notice of Cancellation in duplicate, attached to the contract or receipt.

The Commission issued the cooling-off rule to remedy many problems alleged to exist in the door-to-door sales field. These included deceptive practices by salespersons to gain entry into the house, high pressure sales tactics, and misrepresentations concerning the price and quality of the merchandise sold. The rule is intended to benefit consumers by permitting them to reflect on their purchase and the terms of any contract, to compare the purchase with offerings of other sellers, and to ascertain the accuracy of any representations made. The resulting costs to sellers include the costs associated with cancellation (processing cancelled orders, returning downpayments, retrieving delivered goods, and returning traded-in merchandise) and the additional cost of printing the required cancellation notices.

In accordance with its Plan for Periodic Review of Commission Rules, 46 FR 35118, July 7, 1981, published pursuant to section 610 of the Regulatory Flexibility Act, the Commission is commencing a review of this rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended to minimize such impact. To determine the need for possible changes, the Commission is seeking comment on, among other matters, whether the notice of the right to cancel and the cancellation form required by the rule could be combined on one form, whether "money back guarantees" should be exempted from the rule and whether other state or federal rules overlap, duplicate or conflict with the rule.

Objectives: The objectives of the rule are to permit consumers to evaluate purchase decisions in an unhurried atmosphere, to curb high pressure and deceptive sales practices by door-to-door salespersons, and to permit comparison shopping by consumers. The objective of the periodic review is to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether any such impact can be reduced consistent with the rule's objectives.

Timetable:

Rule promulgated [37 FR 22934]—October 26, 1972.

Rule effective—June 7, 1974.

Request for comment on Regulatory Flexibility Act review—November 1982.

Title: Mail Order Merchandise

Agency Contact: Raymond L. Rhine, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 376–2891.

Effects on Small Businesses or Other Entities: The rule applies to all members of the mail order industry, including small firms. To determine whether the rule has a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6), the Commission will undertake a periodic review of the rule in accordance with section 610 of the Act to assess the magnitude of any such impact and the extent to which it may be reduced.

CFR Citation: 16 CFR Part 435.

Legal Authority: Federal Trade Commission Act, 15 U.S.C. 41, *et seq.*

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping date or, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund.

The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. By subjecting sellers who solicit orders they cannot fill within a reasonable time to the risk of cancellation, the rule may provide competitive benefits, since buyers may shift their business to more efficient merchants. Costs relating to the rule may include the cost of establishing a system for monitoring and recording orders, deliveries, delays, cancellations, consents to delays, and refunds; the costs of complying with the rule's notification requirements regarding delays (printing, postage, etc.); the cost of processing refunds; and additional inventory costs.

In accordance with the Commission's Plan for the Periodic Review of Commission Rules, 46 FR 35118, July 7, 1981, published pursuant to section 610 of the Regulatory Flexibility Act, the Commission will undertake a review of this rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended to minimize any such impact.

Objectives: The objectives of the rule are to ensure that consumers receive merchandise ordered by mail within a reasonably anticipated time period, to provide consumers with information concerning any delay and with the option of consenting to the delay or cancelling the order, and to assist consumers in obtaining prompt refunds for cancelled orders. The objective of the Commission's review under the Regulatory Flexibility Act is to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether any such impact can be reduced consistent with the rule's objectives.

Timetable:

Rule promulgated [40 FR 49492]—October 22, 1975.

Rule effective—June 2, 1976.

Initiation of Regulatory Flexibility Act review—January 1983.

Title: Rules and Regulations Under the Wool Products Labeling Act of 1939

Agency Contact: Charles G. McGourty, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Boulevard, Los Angeles, California 90024, (213) 824–7975.

Effects on Small Businesses and Other Entities: The rules apply to wool manufacturers and wool marketers, some of which are small businesses as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6). To assess the possible impact of the rules on such small entities, the Commission has scheduled a review of the rules during the upcoming fiscal year in accordance with § 610 of the Regulatory Flexibility Act.

CFR Citation: 16 CFR Part 300.

Legal Authority: Wool Products Labeling Act of 1939, 4(d) and 6, 15 U.S.C. 68b(d) and 68d

Abstract: The Wool Products Labeling Act of 1939 was enacted on October 14, 1940; the Act and the Commission's accompanying regulations became effective on July 15, 1941. The Act requires all wool products to bear a label showing the percentage of wool, recycled wool, and non-wool fibers contained in the product and the name of the manufacturer or other distributor. The Act prohibits the misbranding of wool products and is administered by the Commission, whose regulations establish the manner and format in which the information required by the Act is to be disclosed.

The Act and accompanying rules are designed to protect producers, manufacturers, distributors and consumers from the unrevealed presence of substitutes and mixtures of fibers in manufactured wool products. Consumers are able to make more informed decisions and to avoid unwanted or unnecessary items. Since each manufacturer must accurately label its product, competition based on content is enhanced.

Since the Commission's rules primarily implement statutory directives, most of the costs imposed on affected industry members are not attributable to the rules. However, in accordance with its Plan for Periodic Review of Commission Rules, 46 FR 35118, July 7, 1981, published pursuant to § 610 of the Regulatory Flexibility Act, the Commission will conduct a review of these rules during FY 1983 to determine whether the rules have had a significant economic impact on a substantial number of small entities and if so, whether the rules should be amended. An area for possible review is the simplification of the forms or requirements associated with the registered identification number and continuing guaranty filing provisions of the rules.

Objectives: The objective of the Act and the rules is to prevent consumers and producers from being deceived or unfairly disadvantaged by misbranding of the content of wool products. The objetive of the periodic review is to determine whether the rules have had a significant economic impact on a substantial number of small entities and, if so, whether any such impact can be reduced consistent with the objectives of the Act and rules.

Timetable:

Act approved—Pub. L. No. 76–850, October 14, 1980 54 Stat. 1128.

Rules promulgated (Act and rules effective) [6 FR 3426]—July 15, 1941.

Initiation of Regulatory Flexibility Act review—Fourth Quarter FY 1983.

Title: Rules and Regulations Under Fur Products Labeling Act

Agency Contact: Charles G. McGourty, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Boulevard, Los Angeles, California 90024, (213)824–7975.

Effects on Small Business and Other Entities: The rules apply to fur product manufacturers, importers, wholesalers, and retailers, some of which are small businesses. To determine whether the rules have had a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility act, 5 U.S.C. 601(6), the Commission has scheduled a review of the rules during the upcoming fiscal year in accordance with section 610 of the Regulatory Flexibility Act.

CFR Citation: 16 CFR Part 301.

Legal Authority: Fur Products Labeling Act, 7 and 8, U.S.C. 69e and 69f

Abstract: The Fur Products Labeling Act was enacted on August 8, 1951; the Act and the Commission's accompanying rules became effective on August 9, 1952. The Act and rules contain requirements for the labeling, invoicing, and advertising of fur products. The Act requires fur products to be labeled with the name of the animal which produced the fur; the country of origin; whether the furs are natural, dyed or otherwise artificially colored; and certain other characteristics of the fur product used. To ascertain compliance with the Act, fur products marketers must maintain records for each product sold. The Act prohibits the misbranding, false and deceptive invoicing, and false and deceptive advertising of fur products. It requires that animal names used conform to the Fur Products Name Guide established by the Commission, which is charged with administering the Act.

The Act and accompanying rules are designed to protect producers and consumers against misbranding, false advertising, and false invoicing of furs and fur products. Consumers are able to make more informed purchasing decisions and to avoid unwanted or unnecessary items. Since each manufacturer must accurately label its product, competition based on content is enhanced.

Since the Commission's rules primarily implement statutory directives, most of the costs imposed on affected industry members are not attributable to the rules. However, in accordance with its Plan for Periodic Review of Commission Rules, 46 FR 35118, July 7, 1981, published pursuant to section 610 of the Regulatory Flexibility Act, the Commission will conduct a review of these rules during FY 1983 to determine whether the rules have had a significant economic impact on a substantial number of small entities and, if so, whether the rules should be amended. Areas for possible review include simplification of the forms or requirements used in connection with the registered identification number and continuing guaranty filing provisions, modifications of recordkeeping requirements, and adjustment of exemption standards.

Objectives: The objective of the Act and the rules is to prevent consumers and producers from being deceived or unfairly disadvantaged by misbranding, false invoicing, and false advertising of furs and fur products. The objective of the periodic review is to determine whether the rules have had a significant economic impact on a substantial number of small entities and, if so, whether any such impact can be reduced consistent with the objectives of the Act and the rules.

Timetable:

Act approved—Pub. L. 82–110, August 8, 1951, 65 Stat. 175.

Rules promulgated [17 FR 1205]—February 3, 1952.

Act and rules effective—August 9, 1952.

Initiation of Regulatory Flexibility act review—fourth Quarter FY 1983.

Title: Rules and Regulations Under the Textile Fiber Products Identification Act

Agency Contact: Charles G. McGourty, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Boulevard, Los Angeles, California 90024, (213) 824–7975.

Effects on Small Businesses and Other Entities: The rules apply to textile fiber products manufacturers and certain other textile fiber products marketers some of which may be small businesses. To determine whether the rules have had a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6), the Commission has scheduled a review of the rules during the upcoming fiscal year in accordance with section 610 of the Regulatory Flexibility Act.

CFR Citation: 16 CFR Part 303.

Legal Authority: Textile Fiber Products Identification Act 7 and 12, 15 U.S.C. 70e and 70j.

Abstract: The Textile Fiber Products Identification Act was enacted on September 1, 1958; the Act and the Commission's accompanying regulations became effective on March 3, 1960. The Act requires each household textile product to bear a label containing the percentage of each fiber contained in the product, the name of the manufacturer or distributor, and the country or orgin if the product was manufactured principally in a foreign country. The Act prohibits misbranding and false advertising of the fiber content of textile products and requires that the appropriate generic name be used for all fibers. Generic names and definitions for manufactured fibers are established by the Commission, which is charged with administering the Act.

The Act and accompanying rules are designed to protect producers and consumers against misbranding and false advertising of the fiber content of textile products. Consumers are able to make more informed decisions and to avoid unwanted or unnecessary items. Since each manufacturer must accurately label its product, competition based on content is enhanced.

Since the Commission's rules implement statutory directives, most of the costs imposed on affected industry members are not attributable to the Rules. However, in accordance with its Plan for the Periodic Review of Commission Rules, 46 FR 35118, July 7, 1981, published pursuant to section 610 of the Regulatory Flexibility Act, the Commission will conduct a review of these rules during FY 1983 to determine whether the rules have had a significant economic impact on a substantial number of small entities and, if so, whether the rules should be amended. Among the areas which may be reviewed is possible simplification of the forms or requirements associated with the rule's voluntary filing provisions.

Objectives: The objective of the Act and the rules is to prevent consumers and producers from being deceived or unfairly disadvantaged by misbranding or false advertising of the textile fiber content of textile products. The objective of the periodic review is to determine whether the rules have had a significant economic impact on a substantial number of small entities and, if so, whether any such impact can be reduced consistent with the objectives of the Act and rules.

Timetable:

Act approved—Pub. L. No. 85–897, September 2, 1958, 72 Stat. 1717.

Rule promulgated [24 FR 4480]—June 2, 1959.

Act and rules effective—March 3, 1960.

Initiation of Regulatory Flexibility Act review—Fourth Quarter FY 1983.

Title: Review of the Premerger Notification Rules and Report Form (16 CFR Parts 801–803 and Appendix)[1]

Agency Contact: Roberta S. Baruch, Deputy Assistant Director for Evaluation, Premerger Notification Office, Bureau of Competition, Federal Trade Commission, Washington D.C. 20580, Telephone: (202) 523–3894.

Effects on Small Businesses and Other Entities: The Premerger Notification Rules do not affect nonbusiness entities or small businesses. A firm must have sales or assets of at least $10 million to be subject to any reporting obligation. Moreover, any transaction is exempt under the rules if it is valued at less than $15 million and will not result in the acquiring person's holding 50% of the voting securities of a corporation with sales or assets of $25 million or more.

CFR Citation: 16 CFR Parts 801–803 and Appendix (1981).

Legal Authority: Clayton Act 7A, 15 U.S.C. 18a.

Abstract: Section 7A of the Clayton Act (15 U.S.C. 18a, the Act) requires that persons of a certain size contemplating mergers or acquisitions of a specified size file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and wait a designated period before consummating the proposed transaction. The Act also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust (the AAG), to promulgate rules requiring that the notification be in a form and contain the information about a proposed acquisition necessary to enable the FTC and DOJ to determine whether the acquisition may, if consummated, violate the antitrust laws. Accordingly, the FTC, with the concurrence of the AAG, promulgated the premerger notification rules (the Rules) (16 CFR Parts 801–803) and the Antitrust Improvements Act Notification and Report Form for Certain Mergers and Acquisitions (the Form) (16 CFR Part 803-Appendix).

The FTC's review of the premerger notification program focuses on two questions about reducing the paperwork burden imposed on the business community. First, can the number of transactions affected by the program be reduced while maintaining the program's efficiency as an enforcement tool? Second, can the quantity of information which parties to a transaction are required to submit be reduced?

On July 2, 1982, the FTC published the results of a statistical study of Premerger Notification filings received in 1981 as well as a request for comments on four possible approaches to reducing the paperwork burden. The four approaches suggested were: raising the dollar reporting thresholds, establishing higher dollar reporting thresholds for specific industries, eliminating subsequent notification requirements for certain transactions and permitting incorporation by reference in related transactions (47 FR 29182).

The Premerger Notification Office is now reviewing the comments received in response to the Notice of Request for Comments and will attempt to develop rules changes to reduce the number of persons required to file notification and to reduce the burden of filing a notification. The preliminary analysis of the comments should be completed by mid-September and a recommendation for proposed rules should be submitted to the Commission in October.

Timetable:

July 2, 1982—Notice of Request for Comments—Premerger Notification Program Paperwork Burden (47 FR 29182).

October, 1982—Recommendation to the Commission for Rules Changes to reduce the burden of filing imposed by the Hart-Scott-Rodino Premerger Notification Program.

November, 1982—Notice of Proposed Rulemaking.

By Direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-27966 Filed 10-27-82; 8:45 am]

BILLING CODE 6750-01-M

[1] The Premerger Notification Rules were adopted pursuant to 15 U.S.C. 18a rather than section 6 or section 18 of the FTC Act and therefore are not subject to section 22 of the FTC Act. (15 U.S.C. 46, 57a–1, 57b). However, the Commission believes that the review of the Premerger Notification Rules is an important regulatory initiative and for that reason should be included in the Regulatory Calendar. The Premerger Notification Rules appear on the August 12, 1981 list of regulations to be reviewed by the Presidential Task Force on Regulatory Relief.

federal register

Thursday
October 28, 1982

Part XLV

Interstate Commerce Commission

Semi-annual Regulatory Agenda

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-No. 3)]

Semi-annual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semi-annual Regulatory Agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to OMB Bulletin No. 82–16, issued under Section 6(b) of E.O. 12291 to implement the provisions of Section 5 of the Executive Order concerning Regulatory Agendas, the Commission is publishing an agenda of (1) current and projected rulemakings, and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: Two lists of proceedings appear below. The first contains information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. The second contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking. Within each list priority regulations are followed by non-priority rules.

The agenda identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget which is to be published in a single issue of the **Federal Register** in October 1982. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the federal government's current regulatory plans, and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553

Decided:

By the Commission.

Agatha L. Mergenovich,

Secretary.

A. Current and Projected Rulemakings

Priority

Title: 1. Alternative Methods of Accounting for Railroad Track Structures, Docket No. 36988.

CFR Citation: 49 CFR 1201.

Legal Authority: 5 U.S.C. 553, 49 U.S.C. 10321.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action, Date and FR Cite:

ANPRM, October 26, 1978.
NPRM, June 19, 1981, 46 FR 32289.
Supplemental Notice, March 16, 1982.
Final Action, September 30, 1982.

Abstract: This rulemaking would change the method of accounting for track structure from retirement-replacement-betterment (RRB) to ratable depreciation accounting. The Commission believes RRB accounting misstates railroad investment and earnings. Ratable depreciation accounting would (1) more accurately match the asset costs consumed in each accounting period with related revenues, (2) more accurately measure railroad investment in track assets, (3) improve the Commission's ability to assess revenue adequacy, and (4) make financial statements more comparable with other industries. RRB accounting misstates both railroad investment and earnings.

Title: 2. Railroad Classification Index, Docket No. 38559.

CFR Citation: 49 CFR 1201, 49 CFR 1241.

Legal Authority: 5 U.S.C. 553, 49 U.S.C. 10321.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action, Date and FR Cite:

NPRM, August 30, 1981, 46 FR 40060.

Abstract: The adoption of a new railroad classification methodology using the Price Index for Railroad Freight will deflate gross operating revenues for comparison with established revenue thresholds. This will prevent unwarranted upward reclassification of railroads based soley on inflation.

Title: 3. Review of Preservation of Records Rules, Docket No. 38849.

CFR Citation: 49 CFR 1220.

Legal Authority: 5 U.S.C. 553, 49 U.S.C. 11144.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action and Date:

NPRM, September 30, 1982.

Abstract: The purpose of the preservation of record rules is to assure that carrier's records are secure, readily accessible, and adequately maintained for a prescribed period of time. The regulations instruct carriers to maintain their corporate, treasury, property, personnel, insurance and claims inventory, transportation, tariffs, statistical, and miscellaneous records in hard paper copy, microfiche, or machine-readable form for certain periods. The objective of this review is to determine the relevance of each record, the appropriateness of the prescribed retention periods, and the purpose for which each record is needed for the Commission's regulatory mission. This will allow each company's management more autonomy in establishing a recordkeeping program, while reducing costs and burden.

Title: 4. Passenger Broker Surety Bonds or Insurance.

CFR Citation: 49 CFR 1043.4(b).

Legal Authority: 49 U.S.C. 10924(f)—not yet codified—part of Bus Regulatory Reform Act of 1982.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Patricia M. Schulze, (202) 275–7841.

Timetable:

Action and Date:

ANPRM, September 1982.
Public Comment Period, September 1982–October 1982.

Abstract: The Commission intends to clarify the extent of its discretionary authority to require passenger brokers to maintain bonds or insurance or both; to determine whether a need for passenger and motor carrier protection exists; and to determine whether, if such a need exists, it can be met by an exercise of the discretionary bonding/insurance authority.

Title: 5. Motor Common Carriers of Passengers—Employee Protection.

CFR Citation: 49 CFR 1130B (tentative).

Legal Authority: Section 27 of the Bus Regulatory Reform Act of 1982.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Patricia M. Schulze, (202) 275–7841; James Brown, (202) 279–7898.

Timetable:
Action and Date:
ANPRM, September 1982.
Public Comment Period, September 1982–October 1982.
Abstract: The Commission intends to determine the extent of its authority to adopt rules to assure that the protections intended by the Act are afforded to eligible employees and to explore the process by which employees may apply for eligibility determinations. Comments are also sought on the mandatory job-publishing aspect of the Act.
Title: 6. Preemption of State Regulation of Regular-Route Exit—Motor Passenger Carriers, Ex Parte No. MC–161.
CFR Citation: 49 CFR 1130.
Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10925, 49 U.S.C. 10935, 5 U.S.C. 553.
Effects on Small Businesses and Other Entities: No.
Agency Contact: James Brown, (202) 275–7898.
Timetable:
Action and Date:
NPRM, September 1982.
Abstract: This proceeding will propose rules for passenger carriers to follow in seeking permission to discontinue or reduce intrastate service, and for interested parties to object to discontinuation, in response to the Bus Regulatory Reform Act of 1982.
Title: 7. Applications for Operating Authority—Motor Passenger Carriers, Ex Parte No. MC–55 (Sub-No. 56).
CFR Citation: 49 CFR 1045B, 49 CFR 1046, 49 CFR 1100, 49 CFR 1130a.
Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10922, 5 U.S.C. 553.
Effects on Small Businesses and Other Entities: No.
Agency Contact: Marc Lerner, (202) 275–7150; Barbara Reideler, (202) 275–7982.
Timetable:
Action and Date:
NPRM, September 1982.
Abstract: This proceeding will propose rules for passenger carriers to follow in applying for, and opposing applications for, interstate and intrastate operating authority, in response to Bus Regulatory Reform Act of 1982.
Title: 8. Revision of Abandonment Regulations, Ex Parte No. 274 (Sub-No. 5).
CFR Citation: 49 CFR 1121.
Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10362, 49 U.S.C. 10903–10906.
Effects on Small Businesses and Other Entities: No.
Agency Contact: Louis E. Gitomer, (202) 275–7245.
Timetable:
Action and Date:
NPRM, November 18, 1982.
Abstract: The abandonment regulations will be modified to take account of certain recent regulatory decisions and will update and clarify them.
Title: 9. Exemption of Out of Service Rail Lines, Ex Parte No. 274 (Sub-No. 8).
CFR Citation: None.
Legal Authority: 49 U.S.C. 10505.
Effects on Small Businesses and Other Entities: No.
Agency Contact: Louis E. Gitomer, (202) 275–7245.
Timetable:
Action, Date and FR Cite:
NPRM, March 31, 1982, 47 FR 13538.
Public Comment Period, March 31, 1982–April 30, 1982.
Final Action, October 1, 1982.
Abstract: The rulemaking will propose to exempt from the Commission's prior approval under 49 U.S.C. 10903 the abandonment of rail lines that have been out of service for two years or longer.
Title: 10. Railroad Consolidation Procedures—Trackage Rights Exemption, Ex Parte No. 282 (Sub-No. 9).
CFR Citation: 49 CFR 1111.
Legal Authority: 49 U.S.C. 10505, 49 U.S.C. 11343–11346, 5 U.S.C. 553.
Effects on Small Businesses and Other Entities: No.
Agency Contact: Louis E. Gitomer, (202) 275–7245.
Timetable:
Action and Date:
NPRM, September 1, 1982.
Public Comment Period, September 1, 1982–October 1, 1982.
Final Action, December 1, 1982.
Final Action Effective, December 1, 1982.
Abstract: A class exemption will be proposed to enable railroads who seek to acquire trackable rights to do so without filing an application under 49 U.S.C. 11343.
Title: 11. Exemption of Railroads from Securities Regulation under 49 U.S.C. 11301, Ex Parte No. 397.
CFR Citation: 49 CFR 1115.
Legal Authority: 49 U.S.C. 11301.
Effects on Small Businesses and Other Entities: Undetermined.
Agency Contact: Louis E. Gitomer, (202) 275–7245.
Timetable:
Action and Date:
NPRM, October 1, 1982.
Public Comment Period, October 1, 1982–November 1, 1982.
Final Action, January 1, 1983.
Final Action Effective, January 1, 1983.
Abstract: Securities of railroads will be exempt from regulation under this proposal.
Title: 12. Procedures for Handling Exemptions filed by Motor Carriers of Property Under 49 U.S.C. 11343, Ex Parte No. 400 (Sub-No. 1).
CFR Citation: 49 CFR 1100.240.
Legal Authority: 49 U.S.C. 11343.
Effects on Small Businesses and Other Entities: No.
Agency Contact: Louis E. Gitomer, (202) 275–7245.
Timetable:
Action and Date:
ANPRM, September 1982.
Public Comment Period, September 1982–October 1982.
Final Action, November 1982.
Abstract: In light of the Bus Regulatory Reform Act of 1982, the Commission is proposing procedures to handle exemption requests of motor property carriers under 49 USC 11343.
Title: 13. Removal of Restrictions From Authorities of Motor Carriers of Passengers-Intermediate Points, Ex Parte No. MC–142 (Sub-No. 3).
CFR Citation: 49 CFR 1137.
Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10922, 5 U.S.C. 553.
Effects on Small Businesses and Other Entities: No.
Agency Contact: Elaine Dobbins, (202) 275–6272.
Timetable:
Action and Date:
NPRM, September 1982.
Abstract: This proceeding will propose rules for passenger carriers to follow in seeking to remove intermediate point restrictions from their existing authorities, in response to the Bus Regulatory Reform Act of 1982.
Title: 14. Zone of Reasonableness for Car Hire Charges, Ex Parte No. 334 (Sub-No. 5).
CFR Citation: 49 CFR 1033, 49 CFR 1036.
Legal Authority: 49 U.S.C. 10321, 49 U.S.C.10706, 49 U.S.C. 10734, 49 U.S.C. 11122, 5 U.S.C. 553.
Effects on Small Businesses and Other Entities: No.
Agency Contact: Douglas Galloway, (202) 275–7278.
Timetable:
Action, Date and FR Cite:
NPRM, October 22, 1980.
Public Comment Period, November 3, 1980–December 22, 1980, 45 FR 73524.
Abstract: The Commission is considering whether to increase carrier flexibility in establishing car hire charges.
Title: 15. Railroad Exemption Export Coal, Ex Parte No. 346 (Sub-No. 7).

CFR Citation: 49 CFR 1039.
Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10505, 5 U.S.C. 553.
Effects on Small Businesses and Other Entities: Undetermined.
Agency Contact: Douglas Galloway, (202) 275–7278.
Timetable:
Action, Date and FR Cite:
NPRM, August 18, 1981.
Public Comment Period, September 4, 1981–December 21, 1981, 46 FR 44529.
Abstract: The Commission is considering whether to exempt either fully or partially export coal traffic from I.C.C. regulation.
Title: 16. Rail General Exemption Authority—Long and Short Haul Transportation, Ex Parte No. 346 (Sub No. 3).
CFR Citation: Proposed to eliminate—49 CFR 1300.28, 49 CFR 1300.56, 49 CFR 1300.65, 49 CFR 1300.200, 49 CFR 1301. Proposed to establish—49 CFR 1039.12.
Legal Authority: 49 U.S.C. 10505.
Effects on Small Businesses and Other Entities: Not Applicable.
Agency Contact: Martin E. Foley, (202) 275–7189.
Timetable:
Action, Date and FR Cite:
NPRM, October 29, 1979, 44 FR 61981.
Public Comment Period, December 18, 1980, 45 FR 83380.
Public Comment Period, October 29, 1979–March 5, 1981, 44 FR 61981, 45 FR 56, 46 FR 9607, 46 FR 14364.
Abstract: The Commission is considering changes in its procedures for the handling of applications for relief from the statutory restrictions in 49 USC 10726 (long and short haul restrictions). Relief is routinely granted in certain circumstances and the Commission has sought comments (on two separate occasions) on the proposal to eliminate the application procedures in those particular cases, or alternatively to exempt rail carriers from the provision of 10726 altogether. The matter is pending.
Additional Information: Adoption of proposed rules would relieve rail carriers from the current requirement that they seek prior approval for certain types of rate actions. Thus, the public (notably, the rail carriers) would realize a savings through adoption of the proposal.
Title: 17. Revenue Need Standards for Motor Carriers of Passengers.
CFR Citation: None Yet.
Legal Authority: Bus Regulatory Reform Act of 1982.
Effects on Small Businesses and Other Entities: Undetermined.
Agency Contact: Ward L. Ginn, Jr., (202) 275–7488.
Timetable:
Action and Date:
NPRM, November 1, 1982.
Abstract: To assist the Commission in evaluating general rate increases or other proposals concerning changes in interstate bus transportation as may be required under pending legislation.
Title: 18. Revenue Need Standards in Motor Carrier General Increase Proceedings, Ex Parte No. 128.
CFR Citation: None.
Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553, 5 U.S.C. 559.
Effects on Small Businesses and Other Entities: Undetermined.
Agency Contact: Ward L. Ginn, Jr., (202) 275–7488.
Timetable:
Action and Date:
NPRM, June 25, 1979.
Abstract: To assist the Commission in determining whether proposed motor carrier general rate increases should be granted as prescribed by the IC Act.

Non-Priority

Title: 1. Rules Governing Temporary Authority and Emergency Temporary Authority, Ex Parte No. MC–67 (Sub-No. 8).
CFR Citation: 49 CFR 1131.
Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553.
Effects on Small Businesses and Other Entities: Undetermined.
Agency Contact: Paul Grossman, (202) 275–7976.
Timetable:
Action, Date and FR Cite:
NPRM, February 24, 1981, 46 FR 13741.
Public Comment Period, February 24, 1981–April 10, 1981.
Final Action, October 31, 1982.
Abstract: Proposal to simplify all regulations dealing with TA's and ETA's, to implement a requirement of the Motor Carrier Act of 1980.
Title: 2. Special Temporary Authority Procedures, Ex Parte No. MC–64 (Sub-No. 2A).
CFR Citation: 49 CFR 1131.
Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553.
Effects on Small Businesses and Other Entities: Not Applicable.
Agency Contact: Jane Ewing, (202) 275–1873.
Timetable:
Action, Date and FR Cite:
NPRM, June 5, 1980, 45 FR 37912.
Public Comment Period, June 5, 1980–August 11, 1980, 45 FR 46459.
Final Action, October 31, 1982.
Abstract: Proposal to add categories of emergency situations in which special temporary operating authority for motor carriers may be granted.
Title: 3. Leasing Rules Modifications, Ex Parte No. MC–43 (Sub-No. 12).
CFR Citation: 49 CFR 1057.
Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10922(h), 5 U.S.C. 553.
Effects on Small Businesses and Other Entities: No.
Agency Contact: Robert G. Rothstein, (202) 275–7912.
Timetable:
Action, Date and FR Cite:
NPRM, March 5, 1981, 46 FR 15300.
Public Comment Period, March 5, 1981–April 20, 1981.
Final Action, October 31, 1982.
Abstract: Proposes to change existing vehicle leasing rules to permit private carriers to trip-lease their equipment and drivers to regulated carriers. Perceived as necessary to assure continued participation by owner-operators in the surface transportation industry.
Title: 4. Elimination of Certificates as a Measure of Holding Out, Ex Parte No. MC–77 (Sub-No. 3).
CFR Citation: 49 CFR 1310.
Legal Authority: 49 U.S.C. 10101, 49 U.S.C. 10321, 49 U.S.C. 10762, 49 U.S.C. 10922, 49 U.S.C. 11101, 5 U.S.C. 553.
Effects on Small Businesses and Other Entities: Undetermined.
Agency Contact: Suzanne Higgins, (202) 275–1871.
Timetable:
Action, Date and FR Cite:
NPRM, January 27, 1981, 46 FR 8604.
Public Comment Period, January 27, 1981–March 9, 1981, 46 FR 13751.
Final Action, October 31, 1982.
Abstract: Proposal to Re-examine the nature of motor carrier's common carrier obligation to determine whether, in view of the much broader type of authority permitted by the Motor Carrier Act of 1980, carriers must provide service exactly coextensive with all points and services contained in their certificates.
Title: 5. Elimination of Notification of ETA Application, Ex Parte No. MC–67 (Sub-No. 6).
CFR Citation: 49 CFR 1131.
Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10928, 5 U.S.C. 553.
Effects on Small Businesses and Other Entities: Not Applicable.
Agency Contact: Paul Schach, (202) 275–7885.
Timetable:
Action, Date and FR Cite:
NPRM, February 24, 1981, 46 FR 13741.
Public Comment Period, February 24, 1981–March 26, 1981.
Final Action, December 31, 1982.
Abstract: Proposal to cease notifying other parties before granting emergency temporary authority applications, as the

delays involved in the notice procedure vitiated the emergency nature of the grant.

Title: 6. Branch Line Accounting System-Railroads

CFR Citation: 49 CFR 1201.

Legal Authority: 49 U.S.C. 10362(b)7.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: Winston Warner, (202) 275–0841.

Timetable:

Action, Date and FR Cite:

NPRM, (Restatement of Regulations), January 11, 1978, 43 FR 1732.

Abstract: These rules establish a standardized system of accounting which will permit the collection and publication by railroads of information necessary to determine accurately the revenues attributable, avoidable costs, and service units of light density lines scheduled for abandonment under 49 CFR 1121 or 1125.

Title: 7. Petition to Revise Passenger Motor Carrier Superhighway and Deviation Rules, Ex Parte No. MC–65 (Sub-No. 6).

CFR Citation: 49 CFR 1042.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: S. David Berger, (202) 275–7980.

Timetable:

Action, Date and FR Cite:

NPRM, February 1, 1979, 44 FR 6580.

Final Action, December 31, 1982.

Abstract: Proposal to expand the amount by which a motor carrier of passengers may deviate from its certificated route in order to perform authorized service in an efficient and timely way.

Title: 8. Motor Carrier Classification Index, Docket No. 38377.

CFR Citation: 49 CFR 1207.

Legal Authority: 5 U.S.C. 553, 49 U.S.C. 10321.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action, Date and FR Cite:

NPRM, December 4, 1981, 46 FR 60035.

Abstract: This rulemaking would adopt a methodology for indexing the annual operating revenues of motor carriers of property in order to eliminate the effects of inflation from the motor classification process. Carriers are placed in Class I, Class II or Class III categories based upon annual operating revenues. Indexing would provide assurances that carriers are moved to a higher accounting and reporting class because of real business expansion and not from inflationary consequences. The indexing medium will be the All Commodities Producers Price Index (PPI), and the base year will be 1980. A carrier should not be reclassified upward until it exceeds the upper revenue threshold for three consecutive years instead of one year as presently prescribed. Adopting a three year revenue qualification rule would make upward and downward reclassification rules uniform.

Title: 9. Elimination of USOA and Reports for Rate Bureaus, Docket No. 38847.

CFR Citation: 49 CFR 1211, 49 CFR 1253.

Legal Authority: 5 U.S.C. 553, 49 U.S.C. 10706, 49 U.S.C. 11145.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action and Date:

NPRM, August 12, 1982.

Abstract: This Commission's decreased use of the accounting and reporting requirements for rate bureaus does not justify continuing their existence.

Title: 10. Dormancy, Division of Operating Rights, and New Competitive Service in Motor Carrier Acquisition Cases, Ex Parte No. MC–155.

CFR Citation: 49 CFR 1132, 49 CFR 1134.

Legal Authority: 49 U.S.C. 10926, 49 U.S.C. 11343, 49 U.S.C. 11344.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

NPRM, January 20, 1983.

Abstract: New rules would propose to deal with the handling of sales of motor carrier operating rights involving dormant rights or rights which create additional competition by sale.

Title: 11. Discontinuance or Change of Passenger Train or Ferry Service, Ex Parte No. 428.

CFR Citation: 49 CFR 1122.

Legal Authority: 49 U.S.C. 10908, 49 U.S.C. 10909.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

ANPRM, September 1, 1982.

Public Comment Period, September 15, 1982–October 15, 1982.

NPRM, November 1, 1982.

Final Action, December 1, 1982.

Abstract: The Commission will propose to update and streamline the regulations for railroads who propose to change or discontinue passenger train or ferry service.

Title: 12. Conrail Petition to Exempt Iron Chloride from Edge Moor, DE to Baltimore, MD, Ex Parte No. 346 (Sub-No. 9).

CFR Citation: 49 CFR 1039.

Legal Authority: 49 U.S.C. 10505, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:

NPRM, March 5, 1982.

Public Comment Period, March 5, 1982–April 5, 1982, 47 FR 9585.

Abstract: The Commission is considering whether to exempt from I.C.C. regulation movements by Consolidated Rail Corp. of iron chloride from Edge Moor, DE to Baltimore, MD.

Title: 13. Petition to Exempt Storage Leases of Norfolk and Western 1982, Ex Parte No. 346 (Sub-No. 12).

CFR Citation: 49 CFR 1039.

Legal Authority: 49 U.S.C., 10505, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action: Next Action Undetermined.

Abstract: The Commission is considering whether to exempt leases of NW equipment to shippers for storage.

Title: 14. Costing Methodologies for the Northeast Corridor; Commuter Service.

CFR Citation: 49 CFR Chapter X.

Legal Authority: Sec. 1163(a). Northeast Rail Service Act of 1981.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Elaine Kaiser, (202) 275–0907.

Timetable:

Action, Date and FR Cite:

ANPRM, September 4, 1981, 46 FR 44999.

NPRM, January 25, 1982, 47 FR 3418.

Public Comment Period, January 25, 1982–March 1, 1982, 47 FR 3418.

Abstract: These rules establish an appropriate costing methodology for compensating Amtrak for the use of its trackage in the Northeast Corridor and other areas by commuter rail passenger and freight services. It is based on an avoidable costing methodology concept. Amtrak is treated as the dominant user and the other users of its properties as

the minority users; this is for purposes of assigning joint costs.

Title: 15. Reasonably Expected Cost.

CFR Citation: 49 CFR 1129.

Legal Authority: 49 U.S.C. 10705a(b)(2), Sec. 217 Staggers Rail Act of 1980.

Effects on Small Businesses and Other Entities: No.

Agency Contact: James Wells, (202) 275–0840.

Timetable:

Action and Date:

Final Action, August 4, 1982.

Final Action Effective, September 3, 1982.

Abstract: A railroad may impose a surcharge on traffic originating or terminating on certain light density lines. These surcharges may be applied without Commission interference unless the surcharge increases the carrier's share of joint-line revenues above 110 percent of variable cost plus 100 percent of the carrier's reasonably expected costs of continuing to operate the line itself; i.e., its on-branch costs. These rules establish the methodology for determining "reasonably expected costs." It will benefit the public by permitting shippers a mechanism to monitor and determine the appropriateness of a light density line surcharge.

Title: 16. Standards for Determining Rail Service Continuation Subsidies.

CFR Citation: 49 CFR 1125.

Legal Authority: Section 205(d)(6) of the Regional Rail Reorganization Act of 1973—45 U.S.C. 715(d)(6); PL 93–236, 87 Stat. 985, 994. Amended by Sec. 309 of Railroad Revitalization and Regulatory Reform Act of 1976, PL 94–210, 90 Stat. 31, 57. 49 U.S.C. 10362(b)(6).

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: James Wells, (202) 275–0840.

Timetable:

Action and Date:

Final Action, June 16, 1982.

Final Action Effective, July 16, 1982.

Abstract: The standards define the terms "revenue attributable to the rail properties," the "avoidable costs of providing service," a "reasonable return on the value," and a "reasonable management fee." When a railroad receives Commission approval to abandon a portion of rail property because it is a burden on interstate commerce, a financially responsible person may offer an operating subsidy (i.e., a rail service continuation payment) to keep the rail line in operation. The standards establish a formula for calculating the estimated first year subsidy payment; the formula utilizes the terms defined above. This standard benefits the public by facilitating the continuation of essential freight service that would otherwise cease; it further provides a mechanism adequately compensating a carrier for the service provided.

Title: 17. Standards for Determining Commuter Rail Service Continuation Subsidies and Emergency Operating Payments.

CFR Citation: 49 CFR 1127.

Legal Authority: Sec. 304 of the Regional Rail Reorganization Act of 1973, 45 U.S.C. 715, Pub. L. 93–236, 87 Stat. 985, 994, 49 U.S.C. 10362(b)(5). Amended by Sec. 804 of the Railroad Revitalization & Regulatory Reform Act of 1976, Pub. L. 94–210, 90 Stat. 31, 57.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: Thomas McClelland, (202) 275–0804.

Timetable:

Action and Date:

ANPRM, June 5, 1981.

Abstract: These standards establish a methodology by which a subsidy amount may be calculated. This subsidy would be offered by a financially responsible party (usually a state agency or commuter authority) to a railroad to fund the deficits incurred in providing rail passenger commuter service in the Northeast. These standards benefit the public by facilitating the continuation of essential rail passenger service and providing a mechanism for adequately compensating a carrier for the service provided.

Title: 18. Exemption—Transportation of Ordinary Livestock by Rail.

CFR Citation: 49 CFR 1039.11.

Legal Authority: 49 U.S.C. 10505.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Paul E. Graham, (202) 275–7520.

Timetable:

Action and Date:

NPRM, October 1982.

Abstract: This proceeding will determine whether ordinary livestock transported by rail should be made exempt from Commission regulation.

Title: 19. Interchange Policies at International Boundary lines, Ex Parte No. MC–73 (Sub-No. 1).

CFR Citation: 49 CFR 1004, 49 CFR 1057.

Legal Authority: 49 U.S.C. 10101, 49 U.S.C. 10321, 49 U.S.C. 11107, 5 U.S.C. 552, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Nan Heald, (202) 275–7004.

Timetable:

Action, Date and FR Cite:

NPRM, June 23, 1981, 46 FR 32460.

Public Comment Period, June 23, 1981–August 7, 1981.

Final Action, February 28, 1983.

Abstract: Proposal to permit licensed motor carriers to interchange equipment at international boundary lines with licensed Mexican and Canadian carriers.

Title: 20. Lease and Interchange of Vehicles (Rules Modifications), Ex Parte No. MC–43 (Sub-No. 13).

CFR Citation: 49 CFR 1057.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 11107, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Wayne Miller, (202) 275–1763.

Timetable:

Action, Date and FR Cite:

NPRM, September 2, 1981, 46 FR 44013.

Public Comment Period, September 2, 1981–November 9, 1981, 46 FR 49151.

Final Action, October 31, 1982.

Abstract: A "truth-in-leasing" proposal designed to insure that authorized motor carriers comply with ICC leasing regulations, to reduce the opportunity for abuses, to insure a smoothly functioning transportation system, and to encourage fair wages and working conditions.

Title: 21. Practices of Motor Common Carriers of Household Goods (Performance Standards).

CFR Citation: 49 CFR 1056.18.

Legal Authority: 49 U.S.C. 11109, 49 U.S.C. 11110.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: W. F. Sibbald, Jr., (202) 275–7148.

Timetable:

Action, Date and FR Cite:

NPRM, March 11, 1981, 46 FR 16225.

Public Comment Period, March 11, 1981–April 10, 1981, 46 FR 16225.

Final Action, October 1982.

Abstract: This proceeding would adopt performance standards for household goods carriers in the areas of: accuracy of estimates; transporting shipments with reasonable dispatch; and claims handling.

Title: 22. Revocation Procedures for Failure to File and Maintain Insurance (Motor Carriers), or Surety Bonds (Motor Carriers, Brokers and Freight Forwarders).

CFR Citation: 49 CFR 1043.7(f), 49 CFR 1084.8(g).

Legal Authority: 49 U.S.C. 10925, 49 U.S.C. 10927.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Patricia M. Schulze, (202) 275–7841.

Timetable:

Action and Date:

NPRM, October 1982.

Public Comment Period, October 1982–November 1982.

Abstract: Motor carriers, brokers and forwarders are required to file evidence of security for public protection in prescribed amounts. This proceeding involves improvement of the procedures by which revocation of certificates, licenses and permits is accomplished for failure to file or maintain the required security.

Title: 23. Regulations Governing the Adequacy of Intercity Motor Common Carrier Passenger Service, Ex Parte No. MC–95 (Sub–No. 3).

CFR Citation: 49 CFR 1063.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: James Brown, (202) 275–7898.

Timetable:

Action, Date and FR Cite:

NPRM, September 6, 1979, 44 FR 53092.

Public Comment Period, September 6, 1979–October 6, 1979.

Final Action, December 31, 1982.

Abstract: Proposal to develop rules governing adequacy of service, equipment, and facilities on buses.

B. Reviews of Existing Regulations

Priority

Title: 1. Payment of Rates and Charges of Motor Carriers, Ex Parte No. MC–1.

CFR Citation: 49 CFR 1056, 49 CFR 1320–1324.

Legal Authority: 5 U.S.C. 553, 5 U.S.C. 559, 49 U.S.C. 10521–10525, 49 U.S.C. 10743, 49 U.S.C. 10744, 49 U.S.C. 10922, 49 U.S.C. 10923, 49 U.S.C. 11101, 49 U.S.C. 11102, 49 U.S.C. 11506, 49 U.S.C. 11706.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:

NPRM, May 8, 1980, 45 FR 31766.

Public Comment Period, May 8, 1980–July 15, 1980.

Abstract: This is a consolidated proceeding embracing the following titles: Ex Parte No. 73, Regulations for Payment of Rates and Charges, Ex Parte No. 143, Rules and Regulations Governing the Settlement of Rates and Charges of Common Carriers of Property by Water; Ex Parte No. 170, Rules and Regulations Governing the Settlement of Rates and Charges of Common Carriers of Property by Express. The Commission is considering whether to repeal existing credit regulations for railroads, motor carriers, water carriers, and freight forwarders and whether to authorize individual carriers to establish through tariff publication their own non-discriminatory credit terms.

Title: 2. Handling of C.O.D. Shipments, Ex Parte No. MC–42.

CFR Citation: 49 CFR 1052.

Legal Authority: 49 U.S.C. 10101, 49 U.S.C. 10321, 49 U.S.C. 10762, 49 U.S.C. 11101, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:

NPRM, March 19, 1981, 46 FR 17814.

Public Comment Period, March 20, 1981–May 4, 1981.

Abstract: The Commission is considering whether to revise its existing regulations to authorize individual carriers to establish their own nondiscriminatory C.O.D. collection and remittance rules and to eliminate the requirement in existing recordingkeeping.

Title: 3. Detention of Motor Vehicles-Nationwide, Ex Parte No. MC–88, (includes Detention of Motor Vehicles—Alaska, Ex Parte No. MC–88 (Sub-No. 1).

CFR Citation: 49 CFR 1307, 49 CFR 1310.

Legal Authority: 49 U.S.C. 10101, 49 U.S.C. 10321, 49 U.S.C. 10741, 49 U.S.C. 10762, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:

NPRM, March 11, 1982, 46 FR 17234.

Public Comment Period, March 11, 1981–May 4, 1981.

Abstract: The Commission is considering whether to abolish existing detention rules or to modify them to conform with requested changes. These rules are applicable only to motor common carriers.

Title: 4. Investigation into Motor Carrier Classification, Ex Parte No. MC–98 (Sub-No. 1).

CFR Citation: 49 CFR 1307.

Legal Authority: 49 U.S.C. 10701, 49 U.S.C. 10730, 49 U.S.C. 10762, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:

NPRM, April 3, 1978, 43 FR 14978.

Public Comment Period, April 3, 1978–October 16, 1978.

Interim Final Rule, May 13, 1980, 46 FR 27732.

Additional Comments, Requested, July 2, 1981, 46 FR 34819.

Abstract: The Commission has tentatively found that the National Motor Carrier Classification needs to be revised; that it is unreasonable for the classifier to publish different ratings for an article dependent on whether it is truckload, less-than-truckload, or any quantity; that certain characteristics which are used in classification are not relevant; and that reduction of the classification to a single rating number appears less useful than alternatives considered.

Title: 5. Contracts for Protective Services, Ex Parte No. 137.

CFR Citation: 49 CFR 1032.

Legal Authority: 49 U.S.C. 10101a(2), 49 U.S.C. 10505, 49 U.S.C. 11105, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:

NPRM, June 18, 1982, 47 FR 26409, 47 FR 26463.

Public Comment Period, June 18, 1982–August 2, 1982, 47 FR 31410.

Extension of Time for Comments, July 20, 1982, 47 FR 31463.

Abstract: The Commission is considering whether to exempt contracts for protective services against heat or cold, provided to or on behalf of rail carriers and express companies, from the requirements of 49 U.S.C. 11105.

Title: 6. Rates for a Named Shipper or Receiver, Ex Parte No. 158.

CFR Citation: 49 CFR 1310.

Legal Authority: 49 U.S.C. 10762, 49 U.S.C. 10741, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:

NPRM, June 30, 1982, 47 FR 28430.

Extension of Time for Comments, August 4, 1982, 47 FR 33722.

Public Comment Period, June 30, 1982–August 23, 1982.

Abstract: The Commission is considering whether to eliminate the general prohibition now contained at 49 CFR 1310.7(a)(5) against publishing rates

restricted to named shippers, receivers, and locations.

Title: 7. Improvement of TOFC/COFC Regulation (Railroad Affiliated Motor Carriers and Other Motor Carriers), Ex Parte No. 230 (Sub-No. 6).

CFR Citation: 49 CFR 1039.

Legal Authority: 49 U.S.C. 10321(a), 49 U.S.C. 10505, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
Public Comment Period, February 27, 1981–March 30, 1981, 46 FR 14365.

Abstract: The Commission is considering whether to include truck service provided by railroad affiliated motor carriers and other motor carriers in the exemption from 49, Subchapter IV of the U.S. Code for rail and truck service provided by rail carriers as part of a continuous intermodal movement.

Title: 8. Electronic Transmission of Loss and Damage Claims, Ex Parte No. 263 (Sub-No. 3), (includes Electronic Transmission of Freight Bills, Ex Parte No. 406).

CFR Citation: 49 CFR 1005, 49 CFR 1008, 49 CFR 1051.

Legal Authority: 49 U.S.C. 10101, 49 U.S.C. 10321, 49 U.S.C. 10324, 49 U.S.C. 10521, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
NPRM, June 30, 1981.
Public Comment Period, July 8, 1981–August 6, 1981, 46 FR 35134.
Final Action, March 18, 1982.
Pending Petition To Reopen, March 25, 1982, 47 FR 12803, 47 FR 14710.

Abstract: Rules have been adopted to permit electronic transmission and disposition of: (1) freight bills; and (2) loss and damage claims (as well as overcharge, duplicate payment, or overcollection claims), as an alternative to paper bills and claims, when agreed to by the parties.

Title: 9. Railroad Cost Recovery Procedures, Ex Parte No. 290 (Sub-No. 2).

CFR Citation: 49 CFR 1102.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10701a, 49 U.S.C. 10707, 49 U.S.C. 10707a, 49 U.S.C. 10712, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
ANPRM, April 22, 1980, 45 FR 29103.
Public Comment Period, May 1, 1980–June 2, 1980, 45 FR 36460.
Extension of Time for Replies, July 23, 1980, 45 FR 49118.
NPRM, August 5, 1980–December 10, 1980, 45 FR 51858.
Public Comment Period, November 21, 1980–January 9, 1981.
Interim Final Rule, April 20, 1981, 46 FR 22594.
Proceeding Reopened, June 9, 1982, 47 FR 28035.

Abstract: The Commission is considering modifications to its cost recovery index adopted to meet the requirements of section 203 of the Staggers Rail Act of 1980.

Title: 10. Revised Procedures for Divisions of Revenue Cases, Ex Parte No. 322 (Sub-No. 1).

CFR Citation: 49 CFR 1109.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10705, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
NPRM, October 7, 1981.
Public Comment Period, October 16, 1981–December 3, 1981, 46 FR 51261.
Final Action, December 31, 1982.

Abstract: The Commission is modifying its regulations governing the processing of division of revenue proceedings. Modifications are necessary to implement revised deadlines and other changes established in the Staggers Rail Act of 1980.

Title: 11. Exemption from Regulation Box Car Traffic, Ex Parte No. 346 (Sub-No. 8).

CFR Citation: 49 CFR 1039.

Legal Authority: 49 U.S.C. 10505, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
NPRM, January 26, 1982, 47 FR 4100.
Public Comment Period, January 28, 1982–March 31, 1982, 47 FR 13388.
Extension of Time for Comments, March 30, 1982.
Modification of Proposal, June 25, 1982, 47 FR 27573.
Public Comment Period, August 9, 1982 (end).

Abstract: The Commission is considering whether to exempt from I.C.C. regulation all movements in boxcars having AAR equipment type designation A, B, R, or S, either partially or totally and either for Conrail or for all carriers.

Title: 12. Coal Rate Guidelines—Nationwide, Ex Parte No. 347 (Sub-No. 1).

CFR Citation: None.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10701a, 49 U.S.C. 10704, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
NPRM, November 18, 1980, 45 FR 80370.
Public Comment Period, November 18, 1980–April 17, 1981, 46 FR 2204.
Comment Due Date Extended to May 11, 1981, April 17, 1981, 46 FR 22497.
Interim Final Rule, December 16, 1981, 46 FR 62958.
Additional Comments Requested, February 10, 1982, 47 FR 6109.
Decision Reopening December 16, 1981, Decision, August 5, 1982.

Abstract: The Commission is considering rate standards, including standards for maximum rate reasonableness on rail market dominant traffic.

Title: 13. Freight Forwarder Contract Rates-Implementation of PLL. 96–296, Ex Parte No. 364 (Sub-No. 1).

CFR Citation: 49 CFR 1080.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10703 49 U.S.C. 10749, 49 U.S.C. 10766, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
NPRM, August 7, 1980, 45 FR 53190.
Public Comment Period, August 11, 1980–October 10, 1980, 45 FR 59909.
Interim Final Rule, December 19, 1980, 45 FR 86740.

Abstract: The Commission has modified rules to allow the filing of contract rates between freight forwarders and rail and water carriers. Obsolete provisions removed.

Title: 14. Railroad Cost Recovery Procedures—Productivity Adjustment, Ex Parte No. 290 (Sub-No. 4).

CFR Citation: 49 CFR 1102.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10707a, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Tom Smerdon, (202) 275–7277.

Timetable:

Action, Date and FR Cite:
ANPRM, July 26, 1982, 47 FR 32176.

Public Comment Period. August 26, 1982 (beg.), 47 FR 32176.

Abstract: The Commission is requesting comments on the use of a productivity adjustment in determining the quarterly rail cost adjustment factor under 49 U.S.C. 10707a.

Title: 15. Notice to Shippers of Freight Refused or Unclaimed at Destination, Ex Parte No. 372.

CFR Citation: 49 CFR 1060, 49 CFR 1082.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: Tom Smerdon, (202) 275–7277.

Timetable:

Action, Date and FR Cite:

NPRM, December 12, 1979, 44 FR 71849.
Public Comment Period, December 12, 1979–April 30, 1980, 44 FR 71849, 45 FR 6127.

Abstract: The Commission is proposing to adopt rules requiring motor common carriers of property and freight forwarders to notify shippers by wire when freight is refused or unclaimed at destination. The purpose of the proposal is to prevent the accrual of unnecessary storage charges, to expedite the release of carrier equipment, and to conserve carrier terminal and warehouse space.

Title: 16. Railroad Transportation Contracts, Ex Parte No. 387.

CFR Citation: 49 CFR 1039, 49 CFR 1300.

Legal Authority: 49 U.S.C. 10713.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Tom Smerdon, (202) 275–7277.

Timetable:

Action, Date and FR Cite:

NPRM, November 5, 1980, 45 FR 73481.
Public Comment Period, October 24, 1980–January 9, 1981, 45 FR 73481, 45 FR 85641.
Interim Rules Stayed, December 29, 1980, 45 FR 85641.
Interim Rules Removed and Maintained as Proposed Rules, October 1, 1981, 45 FR 48215.

Abstract: The Commission has proposed rules which implement regulations for filing contract rates under 49 U.S.C. 10713 and for filing complaints related to these contracts.

Title: 17. Procedures for Requesting Rail Variable Cost and Revenues Determination for Joint Rates Subject to Surcharge or Cancellation, Ex Parte No. 389.

CFR Citation: 49 CFR 1031A (new).

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10705a, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Tom Smerdon, (202) 275–7277.

Timetable:

Action, Date and FR Cite:

NPRM, November 3, 1980, March 30, 1981, 45 FR 72665, 46 FR 19238.
Public Comment Period, March 30, 1981–April 29, 1981, 46 FR 19238.

Abstract: The Commission has proposed procedures for obtaining relevant revenue and variable cost data under 49 U.S.C. 10705a.

Title: 18. Cost Recovery Percentage, Ex Parte No. 399

CFR Citation: None.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10709(d), 5 U.S.C. 553

Effects on Small Businesses and Other Entities: No.

Agency Contact: Tom Smerdon, (202) 275–7277.

Timetable:

Action, Date and FR Cite:

NPRM, January 29, 1981, June 8, 1981, March 30, 1982, 46 FR 9794, 46 FR 20794, 47 FR 13430.

Abstract: The Commission is proposing to use the new Uniform Rail Costing System for calculating the cost recovery percentage in 49 U.S.C. 10709(d).

Title: 19. Rules Governing Publication of Exceptions Ratings Higher than Classification Ratings, No. 36135.

CFR Citation: 49 CFR 1310.7(r).

Legal Authority: 49 U.S.C. 10701, 49 U.S.C. 10762.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Tom Smerdon, (202) 275–7277.

Timetable:

Action, Date and FR Cite:

NPRM, November 18, 1981, 46 FR 56629.
Public Comment Period, November 18, 1981–May 6, 1982, 47 FR 7294, 47 FR 8801.

Abstract: The Commission is proposing to modify 49 CFR 1310.7(r), which requires motor common carriers to submit justification statements with any tariff that results in rates and charges higher than what would be applicable under classification ratings.

Title: 20. New Procedures in Motor Carrier Revenue Proceedings, Ex Parte No. MC–82.

CFR Citation: 49 CFR 1104.

Legal Authority: 49 U.S.C. 10701

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: Ward L. Ginn, Jr., (202) 275–7488.

Timetable:

Action and Date:

Final Action, August 31, 1971.
Review of Existing Regulation, July 24, 1979 (beg.).

Abstract: To assist the Commission in evaluating general rate increase proposals by motor carriers as prescribed by the IC Act.

Title: 21. Standards for Railroad Revenue Adequacy, Ex Parte No. 393.

CFR Citation: None.

Legal Authority: 49 U.S.C. 10704(a)(2)

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Ward L. Ginn, Jr., (202) 275–7488.

Timetable:

Action and Date:

NPRM, November 26, 1980.
Final Action, March 30, 1981.

Abstract: To assist the Commission in determining whether railroads are revenue adequate as prescribed by the IC Act.

Title: 22. Provisions for Foreseeable Future Costs, Ex Parte No. MC–82 (Sub-No. 1).

CFR Citation: 49 CFR 1104.20, 49 CFR 1104.21, 49 CFR 1104.22, 49 CFR 1104.23, 49 CFR 1104.24, 49 CFR 1104.25, 49 CFR 1104.26, 49 CFR Schedules A through C.

Legal Authority: 49 U.S.C. 10701(e)

Effects on Small Businesses and Other Entities: No.

Agency Contact: William T. Bono, (202) 275–7354.

Timetable:

Action and Date:

NPRM, September 1982.

Abstract: The notice of proposed procedures is to be implemented to permit the intercity bus industry to recover foreseeable future costs in their general increase filings. These procedures are authorized by Section 9, Rule of Ratemaking of the Bus Regulatory Reform Act of 1982.

Title: 23. Adoption of Uniform Rail Costing System for Determining Variable Cost For Jurisdictional Threshold and Surcharge Purposes (URCS), Ex Parte No. 431.

CFR Citation: None yet.

Legal Authority: Staggers Rail Act of 1980 (Section 307) 4–R Act of 1976, 49 U.S.C. 10705(a), 49 U.S.C. 10709.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: William T. Bono, (202) 275–7354.

Timetable:

Action and Date:

NPRM, October 1, 1982.

Abstract: Develops new cost methodology applicable to the rail industry as mandated in the 1976 4–R Act and the Staggers Rail Act.

Title: 24. Identification of Rates Filed Under Zone of Rates Freedom By Motor Carriers of Passengers.

CFR Citation: 49 CFR 1306.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10762.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Martin E. Foley, (202) 275–7189.

Timetable:

Action and Date:

Final Action, October 27, 1982.

Final Action Effective, October 27, 1982.

Abstract: The recently enacted "Bus Bill" provides for carriers to adjust rates within a zone of rate freedom without regulatory interference. These final rules cover the procedures for identifying rates filed under the Zone of Rate Freedom.

Title: 25. Modify Rules Governing Traffic Amendments, Ex Parte No. 435.

CFR Citation: 49 CFR 1300, 49 CFR 1306, 49 CFR 1307, 49 CFR 1309, 49 CFR 1310.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10762.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Martin E. Foley, (202) 275–7189.

Timetable:

Action and Date:

NPRM, October 1, 1982.

Abstract: The Commission will seek public comment on proposed revisions to its present traffic regulations which limit the size and number of amendments and supplements to effective tariffs.

Title: 26. Consolidation of Tariff Publishing Rules, Docket No. 37321.

CFR Citation: 49 CFR 1300–1310.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10762.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Martin E. Foley, (202) 275–7189.

Timetable:

Action and Date:

NPRM, November 1, 1982.

Abstract: A complete review and revisions of all the ICC tariff publishing regulations codified at 49 CFR 1300–1310 inclusive to simplify language, eliminate duplications, streamline procedures and generally improve the overall quality of the regulations and tariffs filed pursuant to them. Obsolete or unnecessary regulations will be deleted. Upon approval by the Commission, the proposed revisions will be put out for public comment via APA rulemaking procedures.

Title: 27. Feeder Railroad Development Program, Ex Parte No. 395 (Sub-No. 1).

CFR Citation: 49 CFR 1128.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10910, 49 U.S.C. 533.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

NPRM, August 3, 1982.

Public Comment Period, August 3, 1982–September 7, 1982.

Interim Final Rule, November 31, 1982.

Final Action, November 31, 1982.

Final Action Effective, November 31, 1982.

Abstract: The proposed regulations simplify the procedures whereby shippers and communities can acquire rail lines prior to their abandonment or downgrading.

Title: 28. Removal of Extraordinary (Financial) Conditions Imposed Upon Carriers and Non-Carrier Holding Companies & Their Motor Carrier Subsidiaries, & Removal of Jurisdiction Imposed Under 49 U.S.C. 11348, Ex Parte No. 422.

CFR Citation: 49 CFR 1113–1115.

Legal Authority: 49 U.S.C. 11302, 49 U.S.C. 11362.

Effects on Small Businesses and Other Entitites: Undetermined.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

NPRM, October 1, 1982.

Public Comment Period, October 1, 1982–November 1, 1982.

Final Action, January 1, 1983.

Final Action Effective, January 1, 1983.

Abstract: A number of securities regulations will be examined for their continuing relevance.

Title: 29. Reorganizations of Rail and Motor Carriers, Ex Parte No. 432.

CFR Citation: 49 CFR 1117, 49 CFR 1118, 49 CFR 1135.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

NPRM, December 1, 1982.

Abstract: It will be proposed to modify existing regulations to streamline bankruptcy regulations or eliminate them where possible.

Title: 30. Joint Rates Study—A Report to Congress (Review of Section 217 of the Staggers Rail Act of 1980), Ex Parte No. 427.

CFR Citation: None.

Legal Authority: Section 217 of the Staggers Rail Act of 1980.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Kenneth R. Tyree, (202) 275–0785.

Timetable:

Action, Date and FR Cite:

Review of Existing Regulation, March 18, 1982–September 30, 1982, 47 FR 11787.

Abstract: Section 217 of the Staggers Rail Act of 1980 was enacted to provide railroads with expeditious relief from noncompensatory freight rates. The alternatives being considered are greater and lesser freedom for railroads to unilaterally cancel or surcharge joint rates. Greater reliance on competition in ratemaking has the potential for achieving a more efficient allocation of resources and a resulting increase in benefits.

Title: 31. Revision and Redesignation of the Commission's Rules of Practice.

CFR Citation: 49 CFR Chapter X, Subchapter B, 49 CFR 1031A.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Kathleen King, (202) 275–0956.

Timetable:

Action, Date and FR Cite:

NPRM, June 29, 1982, 47 FR 28115.

Public Comment Period, June 29, 1982–August 19, 1982, 47 FR 28115.

Abstract: In this proceeding the ICC is proposing to revise and redesignate all of its procedural regulations governing the conduct of formal and informal cases which come before it for decision. Included in the redesignation project are all the regulations now appearing in 49 U.S.C. Parts 1100 to 1151. The purpose of the proposal is to bring the arrangement of the procedural regulations into conformity with the recodified Interstate Commerce Act, 49 U.S.C. 10101 et seq to simplify them, and to make them easier to locate and use by persons practicing before the Commission.

Non-Priority

Title: 1. Revision of 49 CFR 1041, Ex Parte No. 55 (Sub-No. 51).

CFR Citation: 49 CFR 1041.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Andrew L. Lyon, (202) 275–7805.

Timetable:

Action, Date and FR Cite:

Review of Existing Regulation, September 17, 1981–March 31, 1983, 46 FR 13741.

Abstract: Revision to update, correct, and simplify the regulations governing

interpretation of certificates and permits of motor carriers.

Title: 2. Clarification of Certificate of Registration Rules, Ex Parte No. 55 (Sub-No. 50).

CFR Citation: 49 CFR 1100.245.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10931, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Marie Simpson, (202) 275–7108.

Timetable:

Action and Date:

Review of Existing Regulation, September 17, 1981–March 31, 1983.

Abstract: Revision of rules governing the filing of applications for certificates of registration to clarify and simplify the rules without affecting their substance.

Title: 3. Agricultural Cooperative Exemption.

CFR Citation: 49 CFR 1047.21–1047.23.

Legal Authority: 49 U.S.C. 10529.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Phyllis L. Gunn, (202) 275–7476.

Timetable:

Action, Date and FR Cite:

NPRM, June 10, 1981, 49 FR 30668.
Public Comment Period, June 10, 1981–July 27, 1981, 49 FR 30668.
Final Action, November 1982.

Abstract: The draft final rules would modify existing regulations to enhance the Commission's enforcement powers over cooperatives. Cooperatives would be required to compile simple reports and maintain certain records in one location. Non-resident cooperatives would have to make such reports and records available in the United States and the Notice Form OCP 102 required to be filed with the Commission would expire one year from the filing date.

Title: 4. Motor Carriers and Freight Forwarders Insurance Procedures and Minimum Amounts of Liability.

CFR Citation: 49 CFR 1043.1, 49 CFR 1043.2, 49 CFR 1043.4–1043.8, 49 CFR 1043.1–1084.8.

Legal Authority: 49 U.S.C. 10927.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Phyllis L. Gunn, (202) 275–7476.

Timetable:

Action and Date:

NPRM, October 1982

Abstract: This rulemaking proposes to permit insurance coverage through multiple policies, known as "aggregation", for all motor carriers and freight forwarders. It would eliminate the financial standard for qualifying insurance and surety companies. The proposal would raise bodily injury and property damage liability limits for freight forwarders to the same limits as motor carriers and change to a combined single limit of $300,000 for motor operating vehicles under 10,000 pounds GVWR.

Title: 5. Motor Carriers of Property Minimum Amounts of Bodily Injury and Property Damage Liability Insuance.

CFR Citation: 49 CFR 1003.1(b), 49 CFR 1043.1, 49 CFR 1043.2, 49 CFR 1043.6–1043.11.

Legal Authority: 49 U.S.C. 10927.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Phyllis L. Gunn, (202) 275–7476.

Timetable:

Action, Date and FR Cite:

NPRM, July 27, 1981, 46 FR 38486.
Public Comment Period, July 27, 1981–August 26, 1981, 46 FR 38486.
Interim Final Rule, July 27, 1981, 46 FR 38486.
Final Action, October 1981.

Abstract: The draft final rules would adopt the minimum amounts of insurance prescribed by the U.S. Department of Transportation as required by Section 29 of the Motor Carrier Act of 1980. DOT's forms MCS–90 and MCS–82 would be adopted and aggregation (multiple policies) of coverage would be permitted for property motor carriers.

Title: 6. Rules Governing Temporary Authority and Emergency Temporary Authority of Motor Common Carriers of Passengers.

CFR Citation: 49 CFR 1101.1–1101.3, 49 CFR 1131, 49 CFR 1131.1, 49 CFR 1131.2, 49 CFR 1131.4.

Legal Authority: 49 U.S.C. 10928.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Phyllis L. Gunn, (202) 275–7476.

Timetable:

Action and Date:

Final Action, September 1982.

Abstract: This Notice of Final Rules would change the time frames on other than permanent authority grants to motor passenger carriers in accordance with the Bus Regulatory Reform Act of 1982.

Title: 7. Soo Line Railroad Company Petition for Exemption from the Provisions of 49 U.S.C. 10726—Long and Short Haul Transportation, Ex Parte No. 346 (Sub-No. 13).

CFR Citation: 49 CFR 1039.

Legal Authority: 49 U.S.C. 10505, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action:

Next Action Undetermined.

Abstract: The Commission is considering whether to exempt from I.C.C. regulation rates and charges filed by the Soo Line from the provisions of 49 U.S.C. 10726.

Title: 8. Antitrust and Competition Factors in Motor Carrier Finance Cases, Ex Parte No. 55 (Sub-No. 38).

CFR Citation: 49 CFR 1134, 49 CFR 1141.

Legal Authority: 49 U.S.C. 11343, 49 U.S.C. 11344.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action, Date and FR Cite:

ANPRM, April 18, 1980, 45 FR 26395.
Public Comment Period, April 18, 1980–May 17, 1980.
NPRM, January 1, 1983.
Period, January 1, 1983–January 31, 1983.
Interim Final Rule, March 31, 1983.
Final Action, March 31, 1983.
Final Action Effective, March 31, 1983.

Abstract: The proceeding is considering the issue of competition in motor carrier acquisition cases.

Title: 9. Motor Carrier Consolidation Procedures—General Policy Statement, Ex Parte No. 55 (Sub-No. 53).

CFR Citation: None.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 11343, 49 U.S.C. 11344, 49 U.S.C. 11345(a), 5 U.S.C. 533, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

NPRM, October 20, 1981.
Public Comment Period, October 20, 1981–November 19, 1981.
Interim Final Rule, November 31, 1982.
Final Action, November 31, 1982.
Final Action Effective, November 31, 1982.

Abstract: The policy statement will discuss the criteria to be considered in applications by motor carriers who seek to acquire other carrier properties.

Title: 10. Transfers of Operating Rights, Ex Parte No. MC–111 (Sub-No. 1).

CFR Citation: 49 CFR 1045.11, 49 CFR 1132, 49 CFR 1133, 49 CFR 1141, 49 CFR 1151.

Legal Authority: 49 U.S.C. 10101, 49 U.S.C. 10926, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:
Action and Date:
NPRM, October 1, 1982.
Public Comment Period, October 1, 1982–October 31, 1982.

Abstract: When motor carriers, water carriers, brokers, and freight forwarders seek to transfer their operating rights, they must follow Commission procedures. Proposed regulations will seek to consolidate the various regulations, streamline them, and simplify the entire procedure.

Title: 11. Special Intermodal Authority, Ex Parte No. 282 (Sub-No. 7).
CFR Citation: 49 CFR 1111.11.
Legal Authority: 49 U.S.C. 11344(e).
Effects on Small Businesses and Other Entities: No.
Agency Contact: Louis E. Gitomer, 275–7245.

Timetable:
Action and Date:
NPRM, October 18, 1980.
Public Comment Period, October 18, 1980–November 18, 1980.
Interim Final Rule, October 18, 1980.
Final Action, September 19, 1982.
Final Action Effective, October 19, 1982.

Abstract: The rules will implement a provision allowing special applications to provide the motor portion of a motor-rail movement as a substitute for impaired rail service.

Title: 12. Consolidated Reporting by Railroads.
CFR Citation: 49 CFR 1201.
Legal Authority: 49 U.S.C. 11166.
Effects on Small Businesses and Other Entities: Undetermined.
Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:
Action and Date:
Review of Existing Regulation, August 1, 1982–December 31, 1982.

Abstract: This review looks at consolidated reporting requirements for railroads for costing applications and revenue adequacy determination.

Title: 13. Revision to Accounting and Reporting of Other Than General Freight Motor Carrriers.
CFR Citation: 49 CFR 1207.
Legal Authority: 49 U.S.C. 11142.
Effects on Small Businesses and Other Entities: Undetermined.
Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:
Action and Date:
Review of Existing Regulation, July 1, 1982–November 30, 1982.

Abstract: This rulemaking would eliminate accounting and reporting systems for all motor carriers except general commodity carriers.

Title: 14. Revision to the Uniform System of Accounts for Motor Carriers.
CFR Citation: 49 CFR 1207.
Legal Authority: 49 U.S.C. 11142.
Effects on Small Businesses and Other Entities: Undetermined.
Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:
Action and Date:
Review of Existing Regulation, June 1, 1982–October 31, 1982.

Abstract: This rulemaking addresses accounting and reporting requirements of general commodity carriers.

Title: 15. Revision to the Uniform System of Accounts for Railroads.
CFR Citation: 49 CFR 1201.
Legal Authority: 49 U.S.C. 11166.
Effects on Small Businesses and Other Entities: No.
Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:
Action and Date:
Review of Existing Regulation, August 1, 1982–December 31, 1982.

Abstract: This review focuses on improvements to the Uniform System of Accounts for Railroads.

[FR Doc. 82-27987 Filed 10-27-82; 8:45 am]
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federal register

Thursday
October 28, 1982

Part XLVI

National Credit Union Administration

Semiannual Agenda of Regulations

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Publication of Semiannual Agenda of Regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act and agency policy, NCUA is publishing a list of current and projected rulemaking, reviews of existing regulations, and completed actions as of September 17, 1982. NCUA is voluntarily including this Agenda in the "Unified Agenda of Federal Regulations."

DATE: Effective September 17, 1982.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: On a particular regulation, contact the person named in the listing for that regulation at the above address.

SUPPLEMENTARY INFORMATION: On January 1, 1981, the Regulatory Flexibility Act (5 U.S.C. Sections 601 et. seq.) became effective. This law requires, among other things, that each agency publish a Regulatory Flexibility Agenda listing regulations that the agency expects to propose that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. Section 602). NCUA has defined "small entities" to include credit unions with less than $1,000,000 in assets. NCUA believes, at this time, that none of the regulations listed in the Agenda set forth below will have a significant economic impact on a substantial number of these small credit unions.

On June 1, 1981, NCUA published a statement of policy (IRPS 81–4, 46 FR 29248) setting forth the procedures for the development of new regulations and the review of existing regulations. NCUA has decided to continue to publish its Agenda in a manner that is broader than that required by the Regulatory Flexibility Act. NCUA believes that the Agenda is a useful tool to enable the credit union community and the public to track regulatory development and to effectively participate in that process.

NCUA has decided to voluntarily participate in the publication of the "Unified Agenda of Federal Regulations" with the issuance of this Agenda. While NCUA is an independent Agency exempt from coverage by Executive Order 12291, we believe that participating in this joint publication will further the public interest by including NCUA in a single source of information concerning current and projected rulemaking and reviews of existing regulations. The format of this Agenda has been changed from previous publications in order to conform to the standardized format of the "Unified Agenda".

Approved by the NCUA Board this 23 day of September 1982.

Rosemary Brady,

Secretary.

AGENDA

I. Current and Projected Rulemaking

1. a. Title: Federal Credit Union Insurance and Group Purchasing Activity

b. *Contact:* Linda M. Cohen, Director, Department of Chartering and Education, telephone: (202) 357–1080.

c. *Effects on Small Entities:* None

d. *CFR Citation:* 12 CFR Part 721.

e. *Legal Authority:* 12 U.S.C. 1757(15), 1766, 1789.

f. *Abstract:* The current rulemaking simplifies existing rules and permits Federal credit unions to inform their members of, or to endorse, group purchasing and insurance plans. Investigation reports and requirements to notify members of the sale of mailing lists would be eliminated. Alternatives for calculating reimbursement to Federal Credit unions for administrative costs are presented.

g. *Timetable:* Proposed rule issued February 24, 1982 (47 FR 8027). Final rule to be presented to the NCUA Board September 23, 1982.

2. a. Title: Insurance

b. *Contact:* John L. Culhane, Jr., Senior Attorney, Department of Legal Services, telephone: (202) 357–1030; or Ben R. Henson, Department of Chartering and Education, telephone: (202) 357–1080.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 760.

e. *Legal Authority:* 12 U.S.C. 1757, 1789; 42 U.S.C. 4102a. 4106.

f. *Abstract:* The proposed rule provides a plan English revision of regulations governing Federal credit union lending secured by improved realty or mobile home, when either is located in a flood plain. The rule is intended to require only that which is required under Federal statutes concerning flood insurance.

g. *Timetable:* Proposed rule issued October 15, 1980 (45 FR 68393). Final action anticipated by year-end 1982.

3. a. Title: Organization a Federal Credit Union

b. *Contact:* John W. Lander, Department of Chartering and Education, telephone: (202) 357–1060.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.1.

e. *Legal Authority:* 12 U.S.C. 1766, 1789.

f. *Abstract:* The proposal would eliminate repititious statements, procedures, and other provisions already contained in the Federal Credit Union Act, the Federal Credit Union Bylaws, or which represent guidelines covered in other publication or on forms. The proposal emphasizes the NCUA Board's commitment to encourage groups to obtain new Federal credit union charters and to encourage boards of directors to submit charter changes to serve as many qualifying people as possible within the authority of the Federal Credit Union Act.

g. *Timetable:* Proposed rule issued June 1, 1982 (47 FR 23750). Final rule scheduled for presentation to the NCUA Board September 23, 1982.

4. a. Title: Investments and Deposits

b. *Contact:* Robert M. Fenner, Deputy General Counsel, or Steven R. Bisker, Senior Attorney, Department of Legal Services, telephone: (202) 357–1030.

c. *Effects on Small Entities: None.*

d. *CFR Citation:* 12 CFR Part 703.

e. *Legal Authority: 12 U.S.C. 1757(7)(C), 1757(7)(D), 1757(8).*

f. *Abstract:* Public comment is specifically requested on whether the NCUA Board should remove or modify any or all of the procedural restrictions presently in place governing the manner in which a Federal credit union may deposit or invest its funds. It should be noted that those provisions of the regulation that govern the types of investments and deposits that may be made, both of which are imposed by statute, will necessarily remain unchanged. Comment is specifically sought on whether the restriction on the use of third party brokerage services in connection with the making of deposits should be continued. The current regulation also contains prohibition and restrictions representing the Agency's view that the various specified transactions are either unsafe or unsound, or should otherwise be prohibited. The NCUA Board specifically solicits views and comments on whether any of these restrictions should be modified, strengthened, or eliminated.

g. *Timetable:* ANPRM issued July 14, 1982 (47 FR 30497). Proposed rule anticipated to be presented to the

NCUA Board during the winter of 1982–83.

5. a. Title: Surety Bond Coverage for Federal Credit Unions

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examination, telephone: (202) 357–1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.20.

e. *Legal Authority:* 12 U.S.C. 1761a, 1761b and 1766.

f. *Abstract:* The proposed rule is intended to revise, update and simplify the existing requirements for surety bond coverage for Federal credit unions. The proposed regulations implement mandated sections of the Federal Credit Union Act and establishes minimum standards for surety bonds and insurance coverage. The proposed rule would delete the present requirement that the board of directors conduct a semiannual review of all insurance coverages. The proposed rule would clarify the requirement that faithful performance coverage is a requirement for all employees including members of the credit committee and supervisory committee. The proposed rule also simplifies the schedule of minimum surety bond coverage. In addition, provisions that are redundant of requirements specified in the Federal Credit Union Act are proposed to be deleted.

g. *Timetable:* Proposed rule issued June 2, 1981 (46 FR 29482). Final rule anticipated to be presented to the NCUA Board by year-end 1982.

II. REVIEWS OF EXISTING REGULATIONS

1. a. Title: Employee Responsibility and Conduct

b. *Contact:* James J. Engel, Assistant General Counsel, Department of Legal Services, telephone: (202) 357–1030.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 735.

e. *Legal Authority:* E.O. 11222; 3 CFR 1964–65, 5 CFR 735.104.

f. *Abstract:* These regulations pertain to the conduct of NCUA employees and are being reviewed in light of the implementation of the Ethics in Government Act.

g. *Timetable:* A memorandum concerning the need to revise this regulation in light of the Ethics in Government Act has been submitted to the NCUA Board.

2. a. Title: Credit Union Ownership of Fixed Assets

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examination, telephone: (202) 357–1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.36.

e. *Legal Authority:* 12 U.S.C. 1757(4), 1766.

f. *Abstract:* This regulation requires credit unions to do certain financial planning and reporting prior to investing more than 5 percent of its assets in fixed assets.

g. *Timetable:* Preliminary review under study by staff to be presented to the NCUA Board during 1983.

3. a. Title: Conversion from Federal to State Credit Union and Conversion from State to Federal Credit Union

b. *Contact:* Jon Lander, Department of Chartering and Education, telephone: (202) 357–1060.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Parts 706 and 707.

e. *Legal Authority:* 12 U.S.C. 1766, 1771, 1775, and 1789.

f. *Abstract:* These regulations set forth precedural requirements for credit unions to convert from either Federal to State or from State to Federal charter. The regulation will be reviewed to determine whether mandatory requirements on the subject are necessary or whether procedural requirements may be covered in a manual.

g. *Timetable:* Preliminary review under study by staff.

4. a. Title: Mergers of Credit Unions, Division of Assets, Liabilities of Assets and Capital

b. *Contact:* Jon Lander, Department of Chartering and Education, telephone: (202) 357–1060.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Parts 708 and 709.

e. *Legal Authority:* 12 U.S.C. 1766–1789.

f. *Abstract:* These regulations set forth procedural requirements for a credit union to merge with another credit union. The regulations also prescribe procedures to enable members of a Federal credit union who are in a separately identifiable group to undertake an equitable division of their assets, liabilities and capital and to charter a new Federal credit union. The regulations will be reviewed to determine whether mandatory requirements are necessary or whether the subject may be covered in a manual.

g. *Timetable:* Under review by staff in light of recent policy decisions by the NCUA Board.

5. a. Title: Requirements for Insurance

b. *Contact:* Chester Slevinski, Department of Insurance Fund, telephone: (202) 357–1010.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 741.

e. *Legal Authority:* 12 U.S.C. 1781–1790.

f. *Abstract:* These regulations set forth criteria for determining the insurability of a credit union which makes application for insurance of its accounts pursuant to Title II of the Federal Credit Union Act. The review of this regulation will determine the need to update, revise and simplify these requirements.

g. *Timetable:* Preliminary review under consideration by staff.

6. a. Title: Advertisement of Insured Status

b. *Contact:* Chester Slevinski, Department of Insurance Fund, telephone: (202) 357–1010.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 740.

e. *Legal Authority:* 12 U.S.C. 1785 and 1789.

f. *Abstract:* These regulations prescribe requirements with regard to the official sign which insured credit unions must display and also pertain to requirements for advertising. The regulations will be reviewed to determine whether mandatory requirements are necessary and to update, simplify and revise, if necessary.

g. *Timetable:* Preliminary review under consideration by staff.

7. a. Title: Definitions

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examiniation, telephone: (202) 357–1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 700.1.

e. *Legal Authority:* 12 U.S.C. 1766.

f. *Abstract:* This regulation sets forth standard definitions used throughout 12 CFR Part 700 et seq. The review of this regulation will pay particular attention to the list of assets that are considered to be risk assets for the purpose of establishing reserves required by the Federal Credit Union Act.

g. *Timetable:* Proposed rule delayed pending review of reserve regulations.

8. a. Title: Reserves

b. *Contact:* Charles W. Filson, Director, Office of Programs, telephone: (202) 357–1132; or Robert M. Fenner, Deputy General Counsel, Department of Legal Services, telephone: (202) 357–1030.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 702.1 and 702.2.

e. *Legal Authority:* 12 U.S.C. 1762, 1766 and 1789.

f. *Abstract:* These regulations set forth the requirements for the establishment and maintenance of a regular reserve (as provided by the Federal Credit Union Act) and set forth procedures for

applications for approval to decrease reserves.

g. *Timetable:* Preliminary review under consideration by staff.

9. a. Title: Supervisory Committee Audit

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examination, telephone: (202) 357–1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.12.

e. *Legal Authority:* 12 U.S.C. 1761d, 1766, 1789.

f. *Abstract:* This regulation sets forth the responsibilities of the Supervisory Committees of Federal credit unions to make, or cause to be made, an annual audit. The review will cover issues related to the use of audits in conjunction with NCUA's examination responsibilities.

g. *Timetable:* Anticipated completion during 1983.

10. a. Title: Retirement Benefits for Employees of Federal Credit Unions

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examination, telephone: (202) 357–1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.19.

e. *Legal Authority:* 12 U.S.C. 1766, 1789.

f. *Abstract:* The regulations set forth the authority of the Federal credit union to make provision for reasonable retirement benefits for its employees and officers who are compensated in conformance with the Federal Credit Union Act. The regulations also prohibits Federal credit unions from occupying the position of a fiduciary, as defined in the Employee Retirement Income Security Act of 1974. The regulation will be reviewed to revise, update and simplify, if necessary.

g. *Timetable:* Preliminary review drafted and under consideration by staff.

11. a. Title: Tort Claims Against the Government

b. *Contact:* Jay C. Keithley, Senior Attorney, Department of Legal Services, telephone: (202) 357–1030.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 750.

e. *Legal Authority:* 12 U.S.C. 1766; 28 U.S.C. 2671–2680.

f. *Abstract:* These regulations set forth the requirements for asserting claims against the National Credit Union Administration under the Federal Tort Claims Act. The regulations will be reviewed to update, simplify and revise them, if necessary.

g. *Timetable:* Preliminary review to be completed by December 31, 1982.

12. a. Title: Treasury Tax and Loan Accounts

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examination, telephone: (202) 357–1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.37–1.

e. *Legal Authority:* 12 U.S.C. 1757, 1766, 1767, 1787(c)(2) and 1789.

f. *Abstract:* In conjunction with the regulations of the Department of Treasury, this regulation sets forth the requirements for Federal credit unions to be designated as a Treasury tax and loan depository and to establish a remittance account for the receipt of payment of Federal taxes and certain U.S. obligations. The regulation will be reviewed to simplify and revise, where necessary.

g. *Timetable:* Review to be conducted during 1983.

13. a. Title: Nondiscrimination Requirements

b. *Contact:* Harry J. Blasidell, Department of Chartering and Education, telephone: (202) 357–1080; or John L Culhane, Jr., Senior Attorney, Department of Legal Services, telephone: (202) 357–1030.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.31.

e. *Legal Authority:* 12 U.S.C. 1757, 1759, 1766, 1786, 1789; 24 U.S.C. 3601–3610, 1981; 15 U.S.C. 1601 et. seq.

f. *Abstract:* This regulation sets forth prohibitions against discrimination by Federal credit unions in making real estate related loans and appraisals. The regulations also sets forth guidelines for compliance with the Fair Housing Act and court decisions rendered thereunder. The regulation will be reviewed to simplify and revise as necessary.

g. *Timetable:* Preliminary review to be completed by March 31, 1983.

14. a. Title: Corporate Central Federal Credit Unions

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examination, telephone: (202) 357–1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 704.

e. *Legal Authority:* 12 U.S.C. 1761, 1766 and 1789.

f. *Abstract:* These regulations set forth operational requirements particular to corporate central Federal credit unions, including special reserve requirements, management requirements, and annual audit requirements. The regulation also sets forth authority to permit corporate central credit unions to offer daily balance share accounts. There are issues being reviewed independently of formal regulatory review, including corporate chartering guidelines proposed in June of 1982.

g. *Timetable:* Regulatory review anticipated during 1983.

15. a. Title: Management Interlocks

b. *Contact:* Steven R. Bisker, Senior Attorney, Department of Legal Services, telephone: (202) 357–1030.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 711.

e. *Legal Authority:* 12 U.S.C. 3201 et seq.

f. *Abstract:* The regulation will be reviewed to conform the existing regulations to recent statutory amendments.

g. *Timetable:* Recommendations to be presented to the NCUA Board during October 1982.

III. COMPLETED ACTIONS

1. a. Title: Equal Access to Justice Act Regulations

b. *Contact:* Robert S. Monheit, Senior Attorney, Department of Legal Services, telephone: (202) 357–1030.

c. *Citation:* 47 FR 38267 (August 31, 1982).

d. *Reason for Completion:* Final rule implementing the Equal Access to Justice Act issued effective September 30, 1982.

2. a. Title: Credit Union Service Contracts

b. *Contact:* Joe Visconti, Department of Supervision and Examination, telephone (202) 357–1065.

c. *Citation:* 47 FR 30460 (July 14, 1982).

d. *Reason for Completion:* Final rule issued effective July 7, 1982. The final rule consolidates previously existing rules on joint operations and services, including credit union service centers and purchase and sale of accounting services.

3. a. Title: Credit Union Service Organization

b. *Contact:* Todd A. Okun, Assistant General Counsel, Department of Legal Services, telephone: (202) 357–1030.

c. *Citation:* 47 FR 30462 (July 14, 1982).

d. *Reason for Completion:* Final rule issued expanding investment opportunities in credit union service organizations, permitting such organizations to charge fees and earn profits, and providing a list of approved activities.

4. a. Title: Deferred Compensations Plans

b. *Contact:* Steven R. Bisker, Senior Attorney, Department of Legal Services, telephone: (202)357–1030.

c. *Citation:* 47 FR 30464 (July 14, 1982).

d. *Reason for Completion:* Final rule issued to provide $100,000 insurance coverage for the interest of each participant in a deferred compensation plan.

5. a. Title: Incorporation by Reference of the "Accounting Manual for Federal Credit Unions"

b. *Contact:* Harry E. Moore or Joe Visconti, Department of Supervision and Examination, telephone: (202) 357–1065.

c. *Citation:* 47 FR 23685 (June 1, 1982).

d. Reason for Completion: Final rule issued deregulating the status of the Accounting Manual to that of a guideline for safe and sound practices and for full and fair disclosure.

6. a. Title: Liquidity Reserves

b. *Contact:* Robert M. Fenner, Deputy General Counsel, Department of Legal Services, telephone: (202) 357–1030.

c. *Citation:* 47 FR 41100 (September 17, 1982).

d. Reason for Completion: Final rule issued deregulating the minimum liquidity reserve requirement.

7. a. Title: Rules of Practice and Procedure Applicable to the Suspension or Revocation of Charters, and to Involuntary Liquidation

b. *Contact:* Robert S. Monheit, Senior Attorney, Department of Legal Services, telephone: (202) 357–1030.

c. *Citation:* 47 FR 22939 (May 26, 1982).

d. *Reason for Completion:* Final rule issued eliminating the requirement of a hearing on the record prior to the revocation of the charter of a Federal credit union and placement of such credit union into involuntary liquidation.

[FR Doc. 82–27932 Filed 10–27–82; 8:45 am]

BILLING CODE 7535–01–M

federal register

Thursday
October 28, 1982

Part XLVII

Nuclear Regulatory Commission

Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semi-annual publication of regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission is publishing its semi-annual Regulatory Agenda, pursuant to Pub. L. 96–354, "the Regulatory Flexibility Act", and Executive Order 12291, "Federal Regulations". The Agenda is a compilation of all rules on which the NRC has proposed or is considering action.

ADDRESSES: Comments on any rule in the Agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand-delivered to Room 1131, 1717 H Street, NW., Washington, D.C. between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the comment closing date.

The Agenda and any comments received on any rule listed on the Agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Single copies of the Agenda may be received upon request to the contact person listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this Agenda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492–7086, persons outside the Washington, D.C. metropolitan area may call toll-free: 800–368–5642. For further information on the substantive content of any rule or petition listed in the agenda, contact the individual listed under the heading "contact" for that rule.

Regulatory Agenda—October 1982

The Nuclear Regulatory Commission (NRC) is issuing its semi-annual Regulatory Agenda, pursuant to the Regulatory Flexibility Act, and Executive Order 12291, Federal Regulations. Although publication of the agenda is only required semi-annually in April and October, the NRC has chosen to update its agenda each quarter. This issuance updates any action which has occurred on rules since publication of the last NRC agenda in July 1982.

The agenda is a compilation of all rules on which the NRC has proposed or is considering action. The agenda is grouped into four sections. Section I contains eight rules and includes all rules on which final action has been taken since June 30, the cut-off date of the last NRC agenda. Section II contains thirty-nine rules and includes all rules which have been published in the **Federal Register** as proposed rules. Section III contains fourteen rules and includes all rules which have been published in the **Federal Register** as advance notices of proposed rulemaking. Section IV contains fifty-two rules and includes unpublished rules on which the NRC expects to take action. There are six rules which may have a significant economic impact on small entities, pursuant to the Regulatory Flexibility Act and no "major" rules as defined in Section 1(b) of Executive Order 12291.

Within each of these sections, the rules are ordered from lowest to highest 10 CFR part, and, when more than one rule appears under the same part, the rules are arranged within the part by timetable date of most recent publication. If a rule contains changes to more than one 10 CFR part, the rule is listed under the lowest affected part.

The status and information included in this agenda have been updated through September 17, 1982. The date, included under the heading "timetable," for scheduled action by the Commission or the Executive Director for Operations (EDO) on particular rules are considered tentative and are not binding on the Commission or its staff and are included for planning purposes only. This Regulatory Agenda is intended to provide increased notice and public participation in the rulemaking proceedings included on the Agenda. The NRC may, however, consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda.

Those rules in the agenda which may have a significant economic impact upon a substantial number of small entities, pursuant to the Regulatory Flexibility Act (Pub. L. 96–354), are indicated under the heading "Effects on Small Businesses and Other Entities". The Regulatory Flexibility Act was enacted to encourage Federal agencies to consider, consistent with their enabling legislation, regulatory and informational requirements appropriate to the sizes of the businesses, organizations, and governmental jurisdictions subject to regulations. In the case of the NRC, for example, the Act required the NRC to consider modifying or tiering those rules which have a significant economic impact upon a substantial number of small entities in a way which considers the particular needs of small businesses or other small entities, while at the same time assuring that the public health and safety and the common defense and security are adequately protected. The Act requires an agency to prepare a regulatory flexibility analysis for any proposed rule issued after January 1, 1981 (or final rule for which a proposed rule was issued after January 1, 1981) if the rule will have a significant economic impact upon a substantial number of small entities. If the rule will not have this impact, the head of the agency must certify in the rule that the analysis need not be prepared.

As a result of a Commission decision, the following rules on pages 101 and 102 in the July agenda are not included in this agenda. These two rules entitled "List of Required Emergency Preparedness Response Facilities and Associated Implementation Dates" and "License Applications; clarification of and Supplement to Notice of Proposed Rulemaking" are being incorporated into a Commission Policy Statement. Also in the July agenda, a rule appearing on page 76 entitled "Radiation Protection Instrument Test and Calibration" has been incorporated in a rule in this agenda entitled "Standards for Protection Against Radiation".

Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to Room 1131, 1717 H Street, NW., Washington, D.C. between 8:15 a.m. and 5:15 p.m.

Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed on the agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commisssion's Public Document Room, 1717 H Street, NW., Washington, D.C.

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492–7086, persons outside the Washington, D.C. metropolitan area may call toll-free: 800–368–5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "contact" for that rule.

Dated at Bethesda, MD this 24th day of September, 1982.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Acting Executive Director for Operations.

Section I—Final Rules

TITLE: COMMISSION REVIEW PROCEDURES FOR POWER REACTOR CONSTRUCTION PERMITS AND OPERATING LICENSES; IMMEDIATE EFFECTIVENESS RULE

Agency Contact: Richard A. Parrish, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (202) 634–3224.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2201.

Abstract: This final rule clarifies the weight of authority to be given a Commission decision on "immediate effectiveness" by Licensing and Appeal Boards when they conduct a review after a Commission review of a decision that authorizes the issuance of a construction permit or an operating license. The final rule directs that, without express instructions to the contrary, no statement made in the course of the Commission's effectiveness determinations is to be given any weight by the Licensing or Appeal Boards in their reviews of stay requests or the merits of the license or permit applications.

Timetable: Final Rule Published: September 15, 1982 (47 FR 40535).

TITLE: CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION

Agency Contact: Raymond J. Brady, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4472.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 10, 10 CFR Part 11, 10 CFR Part 25, 10 CFR Part 95.

Legal Authority: 42 U.S.C. 2165, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The final rule revises criteria and procedures for determining eligibility for access to restricted data for NRC employees and licensee personnel who possess formula quantities of special nuclear material. The revisions are needed to (1) modify certain types of derogatory information that would raise a question of eligibility for access authorization and/or security clearance, (2) provide for hearings to be conducted by a Hearing Examiner rather than a Personnel Security Board, and (3) clarify and make more concise several of the procedures relating to resolving questions of eligibility. The final rule also refines the categories and relevancy of information considered to enhance the application of due process procedures.

Timetable: Proposed Rule Published: May 7, 1982 (47 FR 19703). Final Rule Published: September 2, 1982 (47 FR 38675).

TITLE: PROTECTION OF EMPLOYEES WHO PROVIDE INFORMATION

Agency Contact: Anthony DiPalo, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5981.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 19, 10 CFR Part 30, 10 CFR Part 40, 10 CFR Part 50, 10 CFR Part 60, 10 CFR Part 70, 10 CFR Part 72, 10 CFR Part 150.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 2236, 42 U.S.C. 2282, 42 U.S.C. 5851.

Abstract: The final rule provides greater protection for employees of licensees, permittees, applicants, and their contractors and subcontractors who provide information to the NRC. This rule is in response to section 10 of Pub. L. 95–601 (42 U.S.C. 5851), which amended the Energy Reorganization Act of 1974 by adding a new section 210, "Employee Protection." This new section identified specific acts of employees as protected activities and prohibits employers from discriminating against employees who engage in these activities, provides the Department of Labor with new authority (29 CFR Part 24) to investigate an alleged act of discrimination, and provides a remedy to the discrimination by means of an administrative proceeding in the Department of Labor. The final rule (1) changes the types of information to include not only information on radiological working conditions but also information on antitrust, safeguards, safety, and security matters, (2) makes the employee protection provisions applicable not only to licensees but also to permittees, applicants, and their contractors and subcontractors, (3) makes employers aware that discrimination against employees who provide this information to the NRC is prohibited, (4) makes employees aware that if this discrimination is believed to have occurred, a recourse for remedy is available through the Department of Labor, and (5) requires posting on premises of licensees, permittees, and applicants of explanatory material relating to the prohibition and remedy. The new authority of the Department of Labor does not in any way abridge the Commission's preexisting authority under section 161 of the Atomic Energy Act to investigate any alleged discrimination and take appropriate action, for example, withholding of a license, suspension of a license, or imposing a civil penalty.

Timetable: Proposed Rule Published: March 10, 1980 (45 FR 15184). Final Rule Published: July 14, 1982 (47 FR 30452).

TITLE: INSTITUTIONAL RADIATION SAFETY COMMITTEE

Agency Contact: Elizabeth G. Rodenbeck, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4580.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 35.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The final rule replaces the existing requirements for medical institutional licensees to appoint a Medical Isotopes Committee with a new requirement that medical institution licensees appoint a Radiation Safety Committee. The final rule simplifies committee membership requirements and focuses committee activity on coordinating the use of byproduct material throughout the institution and monitoring the institution's radiation safety program. The membership of the Radiation Safety Committee would include an authorized user for each type of use permitted by the license, a representative of the nursing staff, a representative of hospital management and the Radiation Safety Officer. The new membership requirements should

make it easier for smaller hospitals to recruit a committee.

Timetable: Proposed Rule Published: April 9, 1979 (44 FR 21023). Final Rule Published: September 13, 1982 (47 FR 40149).

TITLE: EMERGENCY PLANNING AND PREPAREDNESS

Agency Contact: Michael T. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5942.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: (1) 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239, 42 U.S.C. 5842, 42 U.S.C. 5846; (2) 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239.

Abstract: The final rule clarifies (1) that emergency preparedness exercises are part of the preoperational inspection and thus required prior to operation above 5% of rated power, but not for a Licensing Board, Appeal Board, or Commission licensing decision; and (2) that for issuance of operating licensing authorizing only fuel loading and low power operation (up to 5% of rated power), no NRC or Federal emergency Management Agency (FEMA) review, findings, and determinations concerning the state or adequacy of offsite emergency preparedness shall be necessary. The final rule is a composite of two proposed rules, on which the Commission received numerous comments. The Commission evaluated all public comments, and also fully considered the risks of operating a nuclear power reactor at low power. The risks of operating a power reactor at low power are significantly lower than the risks of operating at full power, because (1) the fission product inventory is much less, (2) there is a significant reduction in the required capacity of systems designed to mitigate the consequences of accidents, and (3) the time available for taking actions to identify accident causes and mitigate accident consequences is much longer than at full power. On balance, the Commission has concluded that the rule changes are technically justifiable and will enhance the efficiency of the licensing process, without adversely affecting the public health and safety.

Timetable: Proposed Rule Published: (1) December 15, 1981 (46 FR 61134). (2) December 15, 1981 (46 FR 61132). Final Rule Published: July 13, 1982 (47 FR 30232).

TITLE: CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (SUMMER 1981)

Agency Contact: Edward Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5894.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The final rule incorporates by reference the Summer 1981 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nulear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants. The final rule includes the most recent changes made to the ASME Boiler and Pressure Vessel Code and permits the use of improved methods for construction and inservice inspection of nuclear power plants.

Timetable: Proposed Rule Published: February 3, 1982 (47 FR 5011). Final Rule Published: July 14, 1982 (47 FR 30459).

TITLE: COMMUNICATIONS PROCEDURES, CLARIFYING AMENDMENT

Agency Contact: Steve Scott, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–8585.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The final rule requires applicants and licensees to obtain specifications and copy requirements from the NRC, prior to submitting any communications in microform. The final rule is the result of a recommenation to clarify the requirements for submission of documents by licensees to allow and encourage use of microform. The use of microform would result in the reducing of the volume of paper copies submitted to the NRC as well as relieving the burden of the licensees having to submit large numbers of paper copies.

Timetable: Final Rule Published: July 22, 1982 (47 FR 31674).

TITLE: GENERAL LICENSE FOR SHIPMENT IN PACKAGES APPROVED FOR USE BY ANOTHER PERSON

Agency Contact: Donovan A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 71.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The final rule modifies the recordkeeping requirements for general licenses issued under § 71.12. This general license authorizes use of a package that the Commission has previously evaluated and specifically authorized another licensee to use. Currently § 71.12 requires the general licensee to possess copies of all documents referred to in the Commission's specific authorization. The final rule requires the general licensee to possess only those drawings and other documents relating to the use and maintenance of the packaging and the actions to be taken prior to shipment. The proposed rule would reduce the recordkeeping burden on licensees by approximately 50 percent.

Timetable: Proposed Rule Published: May 18, 1982 (47 FR 21269). Final Rule Published: August 12, 1982 (47 FR 34970).

Section II—Proposed Rules

TITLE: EX PARTE COMMUNICATIONS AND SEPARATION OF ADJUDICATORY AND NON-ADJUDICATORY FUNCTIONS

Agency Contact: Paul Bollwerk, Office of the General Counsel, U.S. Nuclear Regulatory Commission, (202) 634–3224.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 0, 10 CFR Part 2.

Legal Authority: 5 U.S.C. 555, 557.

Abstract: The proposed rule would (1) codify the practices regarding ex parte communications the Commission now employs in its adjudicatory proceedings and (2) adapt the Commission's rules of the terminology of the Government in the Sunshine Act (Pub. L. 94–409). An ex parte communication is one in which

one party to a contested hearing communicates with the presiding officer(s) regarding the issue under contention, and this communication is made in the absence of, and without notice to, the other party and the communication is not made part of the proceeding's record. The proposed rule applies to all "Commission adjudicatory employees," which is a new term introduced in this rule. The designation of certain employees as "adjudicatory employees" represents a principle embodied in currently effective regulations. The term includes all of those employees who participate in the making of the Commission's (or the subordinate adjudicatory panel's) decisions in adjudicatory proceedings. The term does not include those persons whose participation in the decision-making process is limited to appearance as witnesses or counsel. The proposed rule is designed to prevent Commission adjudicatory employees from being subordinate to non-adjudicatory employees so that no situations can arise in which the independence of the Commission's adjudications may be suspect. The proposed rule would prevent Commission staff personnel who have appeared as parties in adjudications from participation in making decisions in those or factually related adjudications. The proposed rule also includes operative provisions of the ex parte rule, and an explanation of how proceedings to impose sanctions for violation of the ex parte rule should be commenced. The proposed rule also defines the term "interested person" as that term is defined in the legislative history of the Sunshine Act, H.R. Rep. 94–880, Part I, 94th Cong., 2nd Sess., at 19–20, 1976. A draft final rule was sent to the Commission in October 1979, but Commission action has been suspended pending a broad review of the Commission's ex parte and separation of function rules. The Commission is presently reviewing proposals for a new rulemaking proceeding and the relationship between rule changes and its Task Force on Licensing Reform.

Timetable: Proposed Rule Published: March 7, 1979 (44 FR 12428). Next Scheduled Action: Final rule, Unscheduled.

TITLE: PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Agency Contact: Paul Bollwerk, Officer of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (202) 634–3224.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 1, 10 CFR Part 2.

Legal Authority: 42 U.S.C. 504.

Abstract: The proposed rule would add new provisions designed to implement the Equal Access to Justice Act (EAJA) which provides for the award of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications in which the agency's position is determined not to have been substantially justified. The basis for these proposed regulations is a set of model rules issued by the Administrative Conference of the United States (ACUS) which have been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent by ensuring the development of "uniform" agency regulations government wide, and by providing NRC procedures and requirements for the filing and disposition of EAJA applications. A final draft rule was sent to the Commission in June 1982, but Commission action has been suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties.

Timetable: Proposed Rule Published: October 28, 1981 (46 FR 53189). Next Scheduled Action: Final rule, Unscheduled.

TITLE: ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

Agency Contact: Jane R. Mapes, Office of The Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301) 492–8695.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 30, 10 CFR Part 40, 10 CFR Part 50, 10 CFR Part 51, 10 CFR Part 70, 10 CFR Part 110.

Legal Authority: 42 U.S.C. 2021, 42 U.S.C. 2201, 42 U.S.C. 4332, 42 U.S.C. 4334, 42 U.S.C. 4335.

Abstract: The proposed rule would revise the Commission's environmental protection regulations in a manner consistent with NRC's domestic licensing and regulatory authority. The proposed rule would reflect Commission policy to take account of the Environmental Quality Counil's (CEQ) Regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA) subject to certain conditions. The proposed rule would implement each section 102(2) NEPA provision, thereby making all Commission actions that are not totally excluded from environmental review or do not fall under a categorical exclusion contained in the regulation, subject to the NRC-NEPA review process. The proposed rule would bring, to the extent possible, NRC's environmental review requirements into conformance with the CEQ procedural regulations, ensure that environmental aspects are considered as part of the NRC decision-making process, and make environmental information available to the public.

Timetable: Proposed Rule Published: March 3, 1980 (45 FR 13739). Next Scheduled Action: Unscheduled.

TITLE: LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION; ALTERNATIVE SITE REVIEWS

Agency Contact: William Ott, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4078.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 50, 10 CFR Part 51.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 4332, 42 U.S.C. 5841.

Abstract: The proposed rule would provide procedures and performance criteria for reviewing alternative sites for nuclear power plants uner the National Environmental Policy Act of 1969 (NEPA). The proposal is intended to stabilize alternative site reviews of a license application by codification of the lessons learned in past and recent reviews of nuclear power plant sites into an environmentally sensitive rule. The proposed rule would focus on six major issues associated with alternative site selection: (1) Information requirements, (2) timing, (3) region of interest, (4) selection of candidate sites, (5) comparison of the proposed site with alternative sites, and (6) reopening of the alternative site decision. The proposed rule would develop understandable written NRC review and decision-making criteria that provide necessary protection of important environmental qualities while reasonably restricting the consideration of alternatives to permit a rational and timely decision concerning the sufficiency of the alternative site analysis analysis. After considering the comments on the proposed rule, the Commission published a final rule on May 28, 1981 (46 FR 28630), addressing

the sixth issue, reopening the alternative site question after a favorable decision at construction permit or early site review stages insofar as it relates to operating license proceedings. The Staff is addressing the other issues in the development of this rule.

Timetable: Proposed Rule Published: April 9, 1980 (45 FR 24168). Next Scheduled Action: Final rule, December 1982.

TITLE: POSSIBLE AMENDMENTS TO "IMMEDIATE EFFECTIVENESS" RULES

Agency Contact: Richard A. Parrish, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (202) 634–3224.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a subtantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule indicates that the Commission is considering five alternative amendments to the "immediate effectiveness" rule for construction permit proceedings. Under the "immediate effectiveness" rule, construction of a nuclear power plant could begin on the basis of an intitial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review by the Commission. The Commission is concerned that the rule often prevented it from reviewing a case until construction was well underway and that this might have (1) allowed commitment of large sums of money to altering sites before a final decision was made on site-related issues and (2) promoted piecemeal review rather than promoting early resolution of all licensing issues to be considered. This proposed rule would help to determine whether NRC should permit construction on a nuclear power plant to begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review within the Commission.

Timetable: Proposed Rule Published: May 22, 1980 (45 FR 34279). Next Scheduled Action: Unscheduled.

TITLE: MODIFICATIONS TO THE NRC HEARING PROCESS (LIMITED INTERROGATORIES AND FACTUAL BASIS FOR CONTENTIONS)

Agency Contact: Trip Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (202) 634–1465.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2239.

Abstract: The proposed rule would expedite conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts and limit the number of interrogatories that a party may file in an NRC proceeding. The proposed rule would expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of inervenor's case so as to affor opportunity for early dismissal of contentions where there is no factual dispute.

Timetable: Proposed Rule Published: June 8, 1981 (46 FR 30349). Next Scheduled Action: Final rule, early 1983.

TITLE: AGE DISCRIMINATION

Agency Contact: Hudson B. Ragan, Office of Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–8252.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 4.

Legal Authority: The Age Discrimination Act of 1975, as amended, Pub. L. 94–135, Pub. L. 478.

Abstract: The proposed rule would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment makes it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance from the NRC. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. The proposed rule is necessary to comply with the Age Discrimination Act of 1975, which directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health and Human Services (HHS). NRC's proposed and final regulations have been modeled after those HHS guidelines as published in 45 CFR Part 90. On November 23, 1981, a copy of the proposed final regulations was transmitted to the Office of General Counsel of the Civil Rights Division, HHS, for review to comply with the requirement that final agency regulations not be published until the Secretary of HHS approves them.

Timetable: Proposed Rule Published: September 21, 1981 (46 FR 46582). Next Scheduled Action: Final rule, action cannot be schedule until the regulation is approved by the Secretary of HHS, as required by law.

TITLE: LOWER RADIATION EXPOSURE LEVELS FOR FERTILE WOMEN

Agency Contact: Walter Cool, Office of Nuclear Regulatory Reseach, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4579.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 19, 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201.

Abstract: The proposed rule would incorporate the intent of the recommendation of the National Council on Radiation Protection and Measurements (NCRP) in Report No. 39 that the radiation exposure to an embryo or fetus be minimized. It would help provide assurance that radiation exposures of fertile women and fetuses will be kept well within the numerical dose limits recommended by the NCRP without undue restriction on activities involing radiation and radioactive material. The proposed rule would amend NRC regulations to require licensees to instruct workers regarding health protection problems associated with exposure to radiation and radioactive materials by providing information about biological risks to embryos and fetuses. The proposed rule would also contain a Commission statement that licensees should make particular efforts to keep the radiation exposure of an embryo or fetus to the very lowest practicable level during the entire gestation period as recommended by the NCRP.

Timetable: Proposed Rule Published: January 3, 1975 (40 FR 799). Next Scheduled Action: Incorporation into the comprehensive revision of Part 20 to be issued as a proposed rule in December 1982.

TITLE: CHANGES IN RADIATION DOSE-LIMITING STANDARDS

Agency Contact: Walter S. Cool, Office of Nuclear Regulatory Reseach, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4579.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 19, 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201.

Abstract: The proposed rule was published becaue of the desire of the Commission to reduce the risks of occupational radiation doses in Commission-licensed activities, the Commission's continuing systematic assessment of exposure patterns, and new recommendations of the International Commission on Radiological Protection for controlling radiation dose. In preparing the proposed rule, the Commission has also taken into account recently published interpretations of epidemiological data and associated recommendations for lower dose standards as well as petitions for rulemaking to lower dose standards PRM–20–6 and PRM–20–6A. The proposed rule would eliminate the accumulated dose averaging formula and the associated Form NRC–4, Exposure History, and impose annual dose-limiting standards. In addition to the imposition of annual dose-limiting standards, the proposed rule contains provisions that would express, in terms of new annual standards, the standard for dose to minors, the requirement for control of total dose to all workers including transient and moonlighting workers. The changes contained in the proposed rule are intended to benefit workers by increasing radiation protection for them and to encourage some NRC licensees to take further action to reduce occupational radiation doses.

Timetable: Proposed Rule Published: February 20, 1979 (40 FR 10388). Next Scheduled Action: Incorporation into the comprehensive revision of Part 20 to be issued as a proposed rule in December 1982.

TITLE: TRANSURANIC WASTE DISPOSAL

Agency Contact: Paul H. Lohaus, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4500.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20, 10 CFR Part 150.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2093, 42 U.S.C. 2095, 42 U.S.C. 2111, 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2273, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would prohibit the disposal by burial in soil of transuranic elements above a certain concentration. A companion amendment to Part 150 would reassert exclusive Commission authority over disposal of transuranic contaminated wastes (TRU) exceeding this concentration in Agreement States. The proposed rule has been incorporated into a new proposed rule, that would establish a new 10 CFR Part 61. A notice withdrawing the earlier proposed rule on TRU and an amendment to the Commission's Part 150 Agreement States rule will be issued following publication of the final rule 10 CFR Part 61 which is currently before the Commission.

Timetable: Proposed Rule Published: September 12, 1974 (39 FR 32921). Next Scheduled Action: Withdrawal of proposed rule.

TITLE: EXEMPTION OF TECHNETIUM-99 AND LOW-ENRICHED URANIUM AS RESIDUAL CONTAMINATION IN SMELTED ALLOYS

Agency Contact: H. J. Bicehouse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 30, 10 CFR Part 32, 10 CFR Part 70, 10 CFR Part 150.

Legal Authority: 42 U.S.C. 2021, 42 U.S.C. 2073, 42 U.S.C. 2077, 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would exempt from licensing and regulatory requirements technetium-99 and low-enriched uranium as residual contamination in any smelted alloy. The proposed rule would remove the Commission's present specific licensing requirement that has the effect of inhibiting trade in and recycling of metal scrap contaminated with small amounts of these radioactive materials. This requirement also prevents recycling by the secondary metals industry of smelted alloys containing these two radioactive materials. The NRC issued the proposed rule in response to a Department of Energy request.

Timetable: Proposed Rule Published: October 27, 1980 (45 FR 70874). Next Scheduled Action: Final Rule, Fall 1983.

TITLE: IRRETRIEVABLE WELL-LOGGING SOURCES

Agency Contact: Henry J. Bicehouse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 30, 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would establish requirements a licensee must follow in the event a well-logging source (a measurement/detection device which contains sealed radioactive source material) becomes disconnected from the wireline which suspends the source in the well and for which all reasonable efforts at recovery, as determined by the Commission, have been expended. The proposed rule would codify the requirements that were previously imposed on individual licensees as a license condition. The proposed rule would give reasonable assurance that there is no damage to the source through subsequent drilling operations which might result in dispersal of the radioactive material to the biosphere.

Timetable: Proposed Rule Published: September 28, 1978 (43 FR 44547). Next Scheduled Action: Final rule, December 1982.

TITLE: PATIENT DOSAGE MEASUREMENT

Agency Contact: Elizabeth G. Rodenbeck, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4580.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 35.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would require specific category medical licensees to (1) measure the total activity of each radiopharmaceutical dosage, except those containing a pure beta-emitting radionuclide, before it is administered to a patient; (2) measure doses with activity less than ten microcuries to verify that activity did

not exceed ten microcuries; and (3) keep a record of each measurement. Currently, each of NRC's approximately 2000 specific medical licensees are individually required by a license condition to measure the activity of radiopharmaceutical dosages before administering them to patients. The proposed rule would simplify licensing by replacing a condition that appears in all specific medical licenses with one regulation and enhance patient radiation safety by minimizing potential misadministrations caused by not measuring the patient dosage.

Timetable: Proposed Rule Published: September 1, 1981 (46 FR 43840). Next Scheduled Action: Final rule, January 1983.

TITLE: PHYSICIAN'S USE OF RADIOACTIVE DRUGS

Agency Contact: Deborah Bozik, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4566.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 35.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5841.

Abstract: The proposed rule would establish the first exception to the NRC's requirement that a physician follow FDA approved labeling for (1) chemical and physical form, (2) route of administration, and (3) dosage range when the physician uses an approved drug for an unapproved use. The proposed rule would allow a physician to use Tc-99m pentetate sodium aerosol for lung function studies without regard to restrictions concerning FDA labeling. The proposed rule would also establish the process by which other radiopharmaceuticals and uses could be exempted from the requirement to follow FDA labeling after the NRC makes a determination of radiation safety.

Timetable: Proposed Rule Published: April 13, 1982 (47 FR 15798). Next Scheduled Action: Final Rule, November 1982.

TITLE: TELETHERAPY ROOM RADIATION MONITORS

Agency Contact: Alan K. Roecklein, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5970.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 35.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5841.

Abstract: The proposed rule would codify existing licensing orders and conditions that require installation of radiation monitors in licensed teletherapy rooms, the use of portable survey meters when monitors are inoperable, and the performance of inspection and servicing of safety related teletherapy components. The proposed rule would provide warning of potential teletherapy unit malfunctions and resultant patient/operator overexposures. Further, the proposed rule would replace repetitive individual license conditions with a single regulation. Finally, inspection and servicing requirements would be required of teletherapy licenses. The NRC became aware of several teletherapy unit malfunctions that had the potential of causing serious overexposures through reports from the Bureau of Radiological Health and voluntary reports from licensees. In May 1980, the NRC issued an order amending all teletherapy licenses to require the installation of radiation monitors.

Timetable: Proposed Rule Published: April 28, 1982 (47 FR 18131). Next Scheduled Action: Final Rule, September 1982.

TITLE: GENERAL DESIGN CRITERIA FOR FUEL REPROCESSING PLANTS

Agency Contact: Charles W. Nilsen, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5910.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233.

Abstract: The proposed rule would establish general criteria for designing fuel reprocessing plants in order to provide reasonable assurance that fuel reprocessing plants can be operated without undue risk to the health and safety of the public. The general criteria contains the minimum requirements that an applicant must use in the selection of principal design criteria for a fuel reprocessing plant. The principal criteria would establish design, fabrication, construction, testing, and performance requirements for structures, systems, and components important to the safety of the facility. This proposed rule was indefinitely deferred based on the Carter administration's policy that commercial reactor fuel will not be reprocessed.

Timetable: Proposed Rule Published: July 18, 1974 (39 FR 26293). Next Scheduled Action: Unscheduled.

TITLE: FRACTURE TOUGHNESS REQUIREMENTS FOR NUCLEAR POWER REACTORS

Agency Contact: Neil Randall, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5904.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would update existing fracture toughness requirements for the reactor coolant pressure boundary of light-water nuclear power reactors. The proposed rule is needed to (1) clarify the applicability of the fracture toughness requirements to old and new plants, (2) modify certain requirements of Appendices G and H to 10 CFR Part 50, and (3) simplify these regulations by replacing technical detail with references to appropriate ASME Boiler and Pressure Vessel Code provisions.

Timetable: Proposed Rule Published: November 14, 1980 (45 FR 75536). Next Scheduled Action: Final rule is pending before the Commission.

TITLE: TMI-RELATED LICENSING REQUIREMENTS FOR PENDING OPERATING LICENSE APPLICATIONS

Agency Contact: David M. Verrelli, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–8434.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would add new requirements to power reactor safety regulations applicable only to operating license applications. The proposed rule, as part of NRC's efforts to apply the lessons learned from the accident at Three Mile Island to power plant licensing, would codify into the Commission's regulations the basic requirements contained in NUREG–0737, which address the problems of design deficiencies, equipment failure, and

human error. The proposed rule advised the public that the Commission was considering the issuance of a similar rule that would incorporate NUREG–0737 requirements into its regulations applicable to operating reactors. However, at a meeting held August 12, 1981, the Commission determined that a proposed rule for operating reactors should not be issued, and requested instead an approach with a substantially reduced scope that would increase flexibility and permit more detailed consideration. The staff is preparing a Commission Paper recommending that the rule for operating license applicants should also not be issued. Recent litigation experience shows that there is no need for the rule, and the rule would limit flexibility.

Timetable: Proposed Rule Published: May 13, 1981 (46 FR 26491). Next Scheduled Action: Commission Paper, October 1982.

TITLE: REPORTING OF CHANGES TO THE QUALITY ASSURANCE PROGRAM

Agency Contact: William Belke, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5942.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would require holders of nuclear power plant construction permits and operating licenses to implement their approved quality assurance programs. The proposal would also require the permit holders and licensees to inform the Commission in writing within 30 days of certain program changes which affect the description of the quality assurance program included in their Safety Analysis Report and accepted by the Commission. Because existing regulations do not require that changes to the accepted quality assurance program be reported to the Commission, some licensees have changed their quality assurance programs without informing the Commission. The proposed rule would ensure that quality assurance programs approved by the Commission do not have their effectiveness reduced by subsequent changes thereby increasing the risk to public health and safety.

Timetable: Proposed Rule Published: July 2, 1981 (46 FR 34595). Next Scheduled Action: Final rule, November 1982.

TITLE: ANTICIPATED TRANSIENTS WITHOUT SCRAM (ATWS)

Agency Contact: David Pyatt, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5960.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule presents two of three alternative regulatory programs designed to reduce the risk posed by accidents involving anticipated transients without scram (ATWS) events under consideration by the Commission. The third alternative is set out in a petition for rulemaking filed by twenty utilities (Electric Utilities Petition, PRM–50–29, published November 4, 1980; 45 FR 73080, and a supplement to the petition published February 3, 1981; 46 FR 10501). An ATWS event occurs when a nuclear reactor's shut down ("scram") system fails to function following a fault (transient event) in the reactor's normal heat dissipation function. A possible outcome of some ATWS accident sequences is the development of a mismatch between the power generated in the reactor and the controlled dissipation of that power. This power mismatch can threaten the integrity of the barriers that confine the fission products. A core meltdown accident, in some cases accompanied by a failure of containment and a very large release of radioactivity, is a possible outcome of some ATWS accident scenarios. Thus, the Commission has determined that the consequences of some postulated ATWS accidents are unacceptable and has developed this proposed rule to address this important safety issue through rulemaking. The Commission believes that the likelihood of severe consequences arising from a ATWS event during the two to four year period required to implement a rule is acceptably small. The implementation schedule contained in the proposed rule balances the need for careful analysis and plant modifications with the desire to carry out the objectives of the rule as soon as possible.

Timetable: Proposed Rule Published: November 24, 1981 (46 FR 57521). Next Scheduled Action: Final rule, Fall 1983.

TITLE: IMMEDIATE NOTIFICATION REQUIREMENT FOR OPERATING NUCLEAR REACTORS

Agency Contact: William R. Mills, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–4791; Michael J. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5942.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would require that every operating license for a nuclear power reactor contain a condition that would require the licensee to notify the Commission as soon as possible, and in all cases within one hour, of any significant event; that is, an event that could pose a threat to public health and safety. The current regulations require licensees to notify NRC of certain "significant events." The proposed rule would clarify the list of reportable significant events contained in the regulations. The proposed rule also responds to the intent of Congress, expressed in Section 201 of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1980 (Pub. L. 96–295), that the Commission establish specific guidelines for identifying accidents which could result in an unplanned release of radioactivity in excess of allowable limits and require immendiate notification of these incidents. On August 19, 1980 (45 FR 55402), NRC published a final rule on emergency planning that required, among other things, procedures for immediate notification of NRC, state, and local emergency response personnel in certain situations. These situations were discussed in Revision 1 to NUREG–0654/FEMA–REP–1 issued November 1980. NRC experience and 15 comments on the rule establishing the events that must be reported (issued February 29, 1980; 45 FR 13435) indicate that the notification rule requires clarification. The proposed rule provides the needed clarification. The proposed requirements would provide increased confidence that the public health and safety would be protected in a radiological emergency.

Timetable: Proposed Rule Published: December 21, 1981 (46 FR 61894). Next Scheduled Action: Final rule, December 1982.

TITLE: INTERIM REQUIREMENTS RELATED TO HYDROGEN CONTROL

Agency Contact: Morton R. Fleishman, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5981.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2152, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2234, 42 U.S.C. 2236, 42 U.S.C. 2239, 42 U.S.C. 2273, 42 U.S.C. 5841, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would require improved Hydrogen control systems for boiling water reactors (BWRs) with Mark III type containments and for pressurized water reactors (PWRs) with ice condenser type containments. All light-water nuclear power reactors not relying on an inerted atmosphere for hydrogen control would be required to show that certain important safety systems must be able to function during and following hydrogen burning.

Timetable: Proposed Rule Published: December 23, 1981 (46 FR 62281). Next Scheduled Action: Final rule, October 1982.

TITLE: TECHNICAL SPECIFICATIONS FOR NUCLEAR POWER REACTORS

Agency Contact: Donald J. Skovholt, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–4446.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The proposed rule would amend current regulations pertaining to technical specifications for nuclear power reactors. Specifically, the proposed would (1) establish a standard for deciding which items derived from the safety analysis report must be incorporated into technical specifications, (2) modify the definitions of categories of technical specifications to focus more directly on reactor operations, (3) define a new category of requirements that would be of lesser immediate significance to safety than technical specifications, and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval. The changes are needed because of disagreements among parties to proceedings as to what items should be included in technical specifications, and concern that the substantial growth in the volume of technical specifications may be diverting the attention of licensees from matters most important to the safe operation of the plant. The proposed rule would improve the safety of nuclear power plant operations by reducing the volume of technical specifications, place more empasis on those specifications of high safety significance, and provide more efficient use of NRC and licensee resources. The NRC staff has estimated that each of the affected 21 licensees should utilize the proposed method for changing supplemental specifications approximately twice a year. The total additional yearly burden to resubmit a revoked change for all 21 affected licensees would be approximately 101 manhours.

Timetable: ANPRM Published: July 8, 1980 (45 FR 45916). Proposed Rule Published: March 30, 1982 (47 FR 13369). Next Scheduled Action: Final rule, March 1983.

TITLE: CODES AND STANDARDS FOR NUCLEAR POWER PLANTS

Agency Contact: Alfred Taboada, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5903.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would reference additional provisions of the ASME Boiler and Pressure Vessel Code, including sections that provide rules for the construction of certain safety systems, and it would clarify existing regulations by removing obsolete provisions. The ASME Code sections proposed for incorporation by reference include the requirements for Class 2 Components, which are found in Subsection NC and NCA of the Code, and the requirements for Class 3 Components, which are found in Subsections ND and NCA of the Code. Experience has shown that these additional parts of Section III of the ASME Boiler and Pressure Vessel Code are adequate for use on a general basis. The proposed rule would establish enforceable requirements to replace previous guidance criteria and ensure the proper application of referenced ASME Codes to eliminate any possible misunderstandings concerning NRC requirements to be addressed in an application for a license for a nuclear power plant.

Timetable: Proposed Rule Published: April 13, 1982 (47 FR 15801). Next Scheduled Action: Unscheduled.

TITLE: LICENSEE EVENTS REPORT SYSTEM

Agency Contact: Frederick Hebdon, Office of Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–4489.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The proposed rule requests public comment on a proposal to revise and codify the existing Licensee Event Report (LER) system. The LER system is an NRC-operated, voluntary reporting system in which nuclear power plant licensees provide data concerning reactor component failure events experienced by licensees. In the proposed rule, the Commission endorsed the Institute for Nuclear Power Operations (INPO) plan to assume responsibility for management of the existing equivalent industry program, the Nuclear Plant Reliability Data System (NPRDS). The proposed rule would provide the NRC with the most efficient system to gather data on the operation of nuclear power reactors in order to evaluate the safety of selected systems of these reactors.

Timetable: ANPRM Published: January 30, 1980 (44 FR 6793). ANPRM Published: January 15, 1981 (45 FR 3541). ANPRM Published: October 6, 1981 (46 FR 49134). Proposed Rule Published: May 6, 1982 (47 FR 19543). Next Scheduled Action: Final rule, December 1982.

TITLE: ENVIRONMENTAL QUALIFICATION OF ELECTRIC EQUIPMENT FOR NUCLEAR POWER PLANTS

Agency Contact: Satish K. Aggarwal, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5946.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233.

Abstract: The proposed rule would clarify and strengthen the criteria for environmental qualification of electric equipment used in nuclear power plants. The applicable qualification methods currently contained in national standards, NRC regulatory guides, and certain NRC publications for equipment qualification are subject to different interpretations and have not had the legal force of an agency regulation. The proposed rule would codify the current NRC practice and apply the same uniform performance criteria with respect to environmental qualification to all operating nuclear power plants and plants for which application has been made for a construction permit or an operating license. Included are specific technical requirements pertaining to (a) qualification parameters, (b) qualification methods, and (c) documentation. The scope of the proposed rule does not include all electric equipment important to safety. It includes that portion of electric equipment important to safety commonly referred to as safety-related electric equipment, and nonsafety-related electric equipment whose failure could prevent the satisfactory accomplishment of required safety functional by safety-related equipment. Also requirements for certain post accident monitoring equipment are included in this rule.

Timetable: Proposed Rule Published: January 20, 1982 (47 FR 2876). Interim Final Rule Published: June 30, 1982 (47 FR 28363). Next Scheduled Action: Final rule, October 1982.

TITLE: CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (WINTER 1981)

Agency Contact: Edward Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5894.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would incorporate by reference the Winter 1981 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and section XI for operating plants. The proposed rule would permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Timetable: Proposed Rule Published: July 29, 1982 (47 FR 32725). Next Scheduled Action: Final rule, December 1982.

TITLE: FITNESS FOR DUTY OF PERSONNEL WITH UNESCORTED ACCESS TO VITAL OR PROTECTED AREAS OF NUCLEAR POWER PLANTS

Agency Contact: Thomas Ryan, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5942.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2236, 42 U.S.C. 2237.

Abstract: The proposed rule would require licensees to establish and implement controls to assure that personnel with unescorted access to vital or protected areas are fit for duty. The Commission initiated the proposed rule in response to concern by members of the public that nuclear power plant operators, like airline pilots, should not be permitted to perform activities that could impair the public health and safety while unfit for duty as a result of actions such as the consumption of alcoholic beverages. The result of the proposed rule would be the further protection of the public health and safety by requiring personnel with unescorted access to vital or protected areas be fit for duty.

Timetable: Proposed Rule Published: August 5, 1982 (47 FR 33980). Next Scheduled Action: Final rule, April 1983.

TITLE: APPLICABILITY OF TECHNICAL FACILITY LICENSE CONDITIONS AND SPECIFICATIONS IN AN EMERGENCY

Agency Contact: Charles M. Trammell, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7389.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would add a specific provision to the Commission's regulations to clarify that licensee technical specifications are not intended to restrict or prohibit the licensee from undertaking any action necessary to protect public health and safety during the course of unanticipated emergency conditions. Technical specifications contain a wide range of operating limitations and specifications concerning actions required to respond to certain systems failures and to other specified operating events. Technical specifications also require the employment of a wide range of operating procedures to be taken in the course of operation to maintain facility safety. The rule would clarify the responsibility of licensees to take actions necessary to protect public health and safety during emergencies even though the action necessary may not be in full accord with certain provisions of the technical specifications. The staff believes that in emergency situations it is very important to assure that licensees have the ability to respond promptly using their best engineering judgment. The impact of this reporting requirement on licensees would be negligible.

Timetable: Proposed Rule Published: August 18, 1982 (47 FR 35996). Next Scheduled Action: Final Rule, December 1982.

TITLE: SHIFT STAFFING AT NUCLEAR POWER PLANTS

Agency Contact: Clare Goodman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–8901; Ellis W. Merschoff, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5943.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entitites.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5846.

Abstract: The proposed rule would provide minimum shift staffing requirements for licensed operators at nuclear power plants. Shift staffing requirements would be based upon a power plant's configuration (e.g., power plant may have two units and one control room, or three units and two control rooms) and the status of each unit (i.e. operating or cold shutdown). The proposed rule, in accordance with the requirement in Task I.A.1.4. of the TMI Action Plan would upgrade shift staffing requirements at nuclear power

plants to ensure that a sufficient number of licensed personnel are on duty at any given time. The comment period closes September 27, 1982. The impact on the industry would be the cost of training and maintaining the required number of licensed operators on shift. Preliminary assessment of the licensees indicates that over half will meet these proposed staffing levels for licensed operators by July 1, 1982. There may be a need to grant extensions of the implementation date to some licensees based on the time required to train individuals to become senior reactor operators. The impact of training additional senior reactor operators may be particularly acute for those licensees who have had a higher than anticipated attrition rate. For those licensees who have already implemented Item I.A.1.3 of NUREG–0737, "Clarification of TMI Action Plan Requirements," the impact would be negligible.

Timetable: Proposed Rule Published: August 30, 1982 (47 FR 38135). Next Scheduled Action: Final rule, November 1982.

TITLE: SAFEGUARDS REQUIREMENTS FOR NONPOWER REACTOR FACILITIES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Agency Contact: Carl J. Whithee, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4040.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 70, 10 CFR Part 73.

Legal Authority: 42 U.S.C. 2071, 42 U.S.C. 2073, 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2152, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2236, 42 U.S.C. 2239, 42 U.S.C. 2273, 42 U.S.C. 5841, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would establish permanent physical security requirements for nonpower reactor licensees who possess five formula kilograms or more of strategic special nuclear material (SSNM), primarily uranium-235 contained in high-enriched uranium (HEU). These physical security requirements would provide protection for nonpower reactor licensees authorized to possess formula quantities of SSNM against an insider threat and would require the licensee to arrange for a response by local law enforcement or other agencies in time to prevent a theft of a formula quantity of SSNM. The staff is considering a performance oriented regulatory approach which would give affected licensees flexibility in designing cost-effective measures for implementing the requirements of the final rule by allowing licensees to take advantage of existing facility design features. The proposed amendments would replace the currently effective interim requirements in § 73.60 which were published in the **Federal Register** on November 28, 1979 (44 FR 68199).

Timetable: Proposed Rule Published: September 18, 1981 (46 FR 46333). Next Scheduled Action: Revised Proposed rule, December 1982.

TITLE: EXPLANATION TO TABLE S–3 URANIUM FUEL CYCLE ENVIRONMENTAL DATA

Agency Contact: Glenn A. Terry, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4211.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 51.

Legal Authority: 42 U.S.C. 2011, 42 U.S.C. 4321.

Abstract: The proposed rule provides a narrative explanation of the numerical values established in Table S–3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S–3 and the conditions governing the use of the table. The narrative explanation also addresses important fuel cycle impacts such as environmental dose commitments, health effects, socioeconomic impacts, and cumulative impacts where these factors are eligible for generic treatment. The proposed rule would clarify the significance of the uranium fuel cycle environmental data contained in Table S–3 and address important environmental fuel cycle impacts that may be handled generically thereby removing those impacts from consideration in individual licensing proceedings. A U.S. Court of Appeals (D.C. Circuit) decision on April 27, 1982, invalidated the entire Table S–3 rule. While this decision is being appealed to the Supreme Court, the proposed rule to provide a narrative explanation for Table S–3 is being held in abeyance.

Timetable: Proposed Rule Published: March 4, 1981 (46 FR 15154). D.C. Circuit Court decision invalidating Table S–3 Rule: April 27, 1982. Petition for Rehearing in D.C. Circuit Court Denied: June 30, 1982. Appeal to Supreme Court to be filed: September 1982. Next Scheduled Action on Proposed Rule: Late 1983.

TITLE: DISPOSAL OF HIGH-LEVEL READIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

Agency Contact: Edward O'Donnell, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4639.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 60.

Legal Authority: 42 U.S.C. 2021, 42 U.S.C. 2071, 42 U.S.C. 2073, 42 U.S.C. 2092, 42 U.S.C. 2093, 42 U.S.C. 2095, 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 4332, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would specify the technical criteria for the disposal of high-level radioactive waste (HLW) in geologic repositories. These proposed criteria address siting, design, and performance of a geologic repository, and the design and performance of the package which contains the waste within the geologic repository. The proposed rule also includes criteria for monitoring and testing programs, performance confirmation, quality assurance, and personnel training and certification. The proposed criteria are necessary for the NRC to fulfill its statutory obligations concerning the licensing and regulating of facilities used for the receipt and storage of high-level radioactive waste and to provide guidance to the Department of Energy and to the public as to the NRC's technical requirements for the disposal of high-level radioactive wastes in a geologic repository.

Timetable: ANPRM Published: May 13, 1980 (45 FR 31393). Proposed Rule Published: July 8, 1981 (46 FR 35280). Next Scheduled Action: Final rule, October 1982.

TITLE: LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

Agency Contact: Paul Lohaus, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4500.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR PART 61.

Legal Authority: 42 U.S.C. 2021a, 42 U.S.C. 2073, 42 U.S.C. 2077, 42 U.S.C. 2092, 42 U.S.C. 2093, 42 U.S.C. 2095, 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C.

2232, 42 U.S.C. 2233, 42 U.S.C. 2273, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would specify (1) performance objectives and general requirements for land disposal of radioactive waste, (2) technical requirements for disposal of radioactive waste to near-surface disposal facilities, (3) requirements for submitting applications for licenses authorizing these activities and procedures which the Commission will follow in the issuance of these licenses, (4) provisions for consultation and participation in license reviews by state governments and Indian tribes, and (5) procedures governing the transfer of licensed material for disposal. Specific requirements for licensing facilities for the disposal of radioactive wastes by alternative land disposal methods will be proposed for Part 61 in subsequent rulemaking. The proposed rule does not deal with the disposal by individual licensees of their own wastes by burial. Disposal of radioactive wastes by an individual licensee will continue to be governed by requirements in Part 20 of 10 CFR.

Timetable: Proposed Rule Published: July 24, 1981 (46 FR 38081). Next Scheduled Action: Final rule is pending before the Commission.

TITLE: TRANSPORTATION OF RADIOACTIVE MATERIAL—COMPATIBILITY WITH IAEA REGULATIONS

Agency Contact: Donald R. Hopkins, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR PART 71.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2093, 42 U.S.C. 2111, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2273, 42 U.S.C. 5842.

Abstract: The proposed rule would revise the NRC's regulations for the transportation of radioactive material to make them more compatible with those of the International Atomic Energy Agency (IAEA) and thus with those of most major nuclear nations of the world. Although several substantive changes are proposed in order to provide a more uniform degree of safety for various types of shipments, the Commission's basic standards for radioactive material packaging would remain unchanged. The Department of Transportation (DOT) is also proposing a corresponding rule change to its Hazardous Materials Transport Regulations.

Timetable: Proposed Rule Published: August 17, 1979 (44 FR 48234). Next Scheduled Action: Final rule, January 1983.

TITLE: PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

Agency Contact: Donald R. Hopkins, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5825.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 71.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would require that shipments of plutonium by air be contained in a package specifically certified as air crash-resistant. The rule would permit the air shipment of plutonium in other packages if the plutonium is in a medical device for individual human use or if the plutonium is shipped in quantities or concentrations small enough to prevent significant hazard to the public health and safety, even if the plutonium were released in an air crash. This rule was developed in response to an amendment to the NRC Authorization Act for Fiscal Year 1976, Pub. L. 94–79, which was passed on August 9, 1975. This amendment, known as the "Scheuer Amendment," prohibited the air transport of plutonium, except in medical devices, until the NRC certified to the Congress that an air crash-resistant package has been developed. On August 4, 1978, the Commission certified to the Congress that a package certification program has been completed. The NRC has issued this proposed rule which would implement the mandate of Congress. All NRC licensees authorized to transfer plutonium are subject to the provisons of this proposed rule.

Timetable: Proposed Rule Published: November 13, 1981 (46 FR 55992). Next Scheduled Action: Final rule, January 1983.

TITLE: MISCELLANEOUS AMENDMENTS CONCERNING PHYSICAL PROTECTION OF NUCLEAR POWER PLANTS (PART OF INSIDER RULE PACKAGE)

Agency Contact: Tom R. Allen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4010.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 73.

Legal Authority: 42 U.S.C. 2101, 42 U.S.C. 5841.

Abstract: The proposed rule would require in Nuclear Power Plants (1) the designation of vital areas (to allow vital islands), (2) access controls to vital islands, (3) the protection of certain physical security equipment, and (4) revised requirements for key and lock controls and revised searches of handcarried items at protected area entry points. The requirements will clarify policy in these areas and reduce unnecessary burden on the industry while maintaining plant protection. This rule is a revision of the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas." Initial development on the final rule produced significant changes, particularly the criteria for personnel access controls to vital areas, resulting in the need to publish a revised proposed rule. This revised proposed rule will provide a balanced safeguards approach providing for a level of protection equivalent to that of the present requirements.

Timetable: Proposed Rule Published: March 12, 1980 (45 FR 15937). Next Scheduled Action: Revised proposed rule, November 1982.

TITLE: SEARCHES OF INDIVIDUALS AT POWER REACTOR FACILITIES (PART OF INSIDER RULE PACKAGE)

Agency Contact: Tom R. Allen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4010.

Effects on Small Business and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 73.

Legal Authority: 42 U.S.C. 2201, 43 U.S.C. 5841.

Abstract: The proposed rule would require nuclear power plant licensees to conduct searches of individuals at the entry portals to protected areas of power reactor facilities. The currently effective regulations require, in part, that physical ("pat-down") searches be conducted by licensees of their employees and other persons before their entry into a protected area of a power reactor facility. However, the NRC has extended relief to licensees from the requirement to conduct the physical search of regular employees of power reactor facilities while this rulemaking is proceeding. The most

recent notice granting a continuation of this relief was published on December 1, 1980 (45 FR 79410). This proposed rule would require searches similar to those used on an interim basis at power reactors prior to November 1, 1980. The searches would include the mandatory use of search equipment for all persons and the use of pat-down searches of visitors. Pat-down searches of employees would be required in certain situations. The staff is considering changes to the proposed rule which would require utility employees and contractors who have been successfully screened in accordance with the requirements included in the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas," published on March 12, 1980 (45 FR 15937), to be subject only to random searches using search equipment. All unscreened individuals will be required to be searched using search equipment. Physical ("pat-down") searches would be required only when search equipment is not working properly or when the licensee suspects that an individual is attempting to carry into the plant prohibited devices or material.

Timetable: Proposed Rule Published: December 1, 1980 (45 FR 79492). Next Scheduled Action: Revised proposed rule, November 1982.

TITLE: FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEEMENTS

Agency Contact: Eric E. Jakel, Office of Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–8691.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 140.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 2210.

Abstract: The proposed rule would remove from the current regulations a stipulation which requires the Commission to allow interested persons 15 days to file petitions for leave to intervene when it enters into an indemnity agreement with provisions different than those in a standard form indemnity agreement. The Commission is proposing this action because it believes that a public hearing on the limited subject of the precise wording of an amendment to an indemnity agreement serves no useful purpose and is unnecessary.

Timetable: Proposed Rule Published: July 23, 1982 (47 FR 31887). Next Scheduled Action: Final rule, October 1982.

Section III—Advance Notices of Proposed Rulemaking

TITLE: STANDARDS FOR PROTECTION AGAINST RADIATION

Agency Contact: Robert E. Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4387.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2093, 42 U.S.C. 2095, 42 U.S.C. 2111, 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2273, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: The advance notice of proposed rulemaking seeks comments on a proposal to completely revise NRC's standards for protection against radiation (Part 20). This regulation applies to all NRC licensees and establishes standards for protection against radiation hazards under licenses issued by the NRC. The proposed revision reflects a comprehensive and systematic review of Part 20 and incorporates current standards for radiation protection into the revised regulation.

Timetable: ANPRM Rule Published: March 20, 1980 (45 FR 18023). Next Scheduled Action: Proposed rule, December 1982.

TITLE: PERFORMANCE TESTING OF PERSONNEL DOSIMETRY

Agency Contact: Nancy A. Dennis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5970.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2093, 42 U.S.C. 2095, 42 U.S.C. 2111, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2273, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: The advance notice of rulemaking sought comment on a proposal to add amendments to 10 CFR Part 20 that would improve the accuracy and consistency of reported occupational radiation dose measurement by requiring proficiency tests of dosimetry processors who perform dosimetry for NRC licensees. The proposed amendments would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service that is certified by an NRC approved or specified testing laboratory. The ANPRM summarized the results of the pilot study of dosimetry processors against a draft HPSSC/ANSI standard on performance testing of dosimetry processors, and outlined alternatives for the operation of a testing laboratory. As described in the ANPRM, this program would involve amendments to 10 CFR Part 20 that would establish a program of this type. The performance standard to be used in this testing program would be the final HPSSC/ANSI standard. The competency of any proficiency testing laboratory (PTL) would be monitored by the National Bureau of Standards (NBS). During the comment period, a method for PTL operation was identified under procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) of NBS, which is part of the Department of Commerce (DOC). This method would allow NBS through NVLAP to contract the services of a PTL to administer proficiency testing for processors at the contractor's facility in accordance with the HPSSC/ANSI standard. The NRC staff, in a letter dated December 23, 1980, requested a joint project between DOC and NRC to establish a Laboratory Accreditation Program (LAP) for personnel dosimetry processors. The DOC, in accordane with NVLAP procedures and authority, published NRC's request for the development of such a LAP in the **Federal Register** (46 FR 9698) and requested public comment. NRC sent a copy of DOC's FRN and a description of the NVLAP method to all known dosimetry processors, licensees, and known interested persons. On July 17, 1981, the NRC and NBS signed an Interagency Agreement (revised on June 18, 1982) for the establishment of a LAP for Personnel Dosimetry Processors.

Timetable: ANPRM Published: March 28, 1980 (45 FR 20493). Next Scheduled Action: Proposed rule, October 1982.

TITLE: DECOMMISSIONING CRITERIA FOR NUCLEAR FACILITIES

Agency Contact: Keith G. Steyer, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5910.

Effects on Small Businesses and other entities: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 30, 10 CFR Part 40, 10 CFR Part 50, 10 CFR Part 70, 10 CFR Part 72.

Legal Authority: 42 U.S.C. 2201.

Abstract: The advance notice of proposed rulemaking seeks comment on a proposal to devleop a more explicit

policy for decommissioning nuclear facilities. The proposal would provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licensees. This action is intended to protect public health and safety and to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning.

Timetable: ANPRM Published: March 13, 1978 (43 FR 10370). Next Scheduled Action: Proposed rule, February 1983.

TITLE: UPGRADED EMERGENCY PREPAREDNESS PROCEDURES FOR CERTAIN FUEL CYCLE AND MATERIALS LICENSEES

Agency Contact: Michael Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5942.

Effects on Small Businesses and other entities: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 30, 10 CFR Part 40, 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The advance notice of proposed rulemaking seeks comments on a proposal that would strengthen emergency preparedness requirements for fuel cycle and materials licensees with the potential for accidents involving radioactive materials harmful to public health and safety. This is necessary to ensure that emergency preparedness planning and coordination is sufficient to minimize the danger to public health and safety following an accident involving radioactive materials held by certain fuel cycle and materials licensees. One of the lessons learned from the accident at Three Mile Island was that improvements in emergency preparedness planning and coordination for some NRC licensed activities was necessary.

Timetable: ANPRM Published: June 3, 1981 (46 FR 29712). Next Scheduled Action: Proposed rule, February 1983.

TITLE: DESIGN OF INDUSTRIAL RADIOGRAPHIC EXPOSURE DEVICES

Agency Contact: Donovan A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 34.

Legal Authority: 42 U.S.C. 2201.

Abstract: The advance notice of proposed rulemaking seeks comment on NRC's undertaking the development of safety design requirements for industrial radiation exposure devices. The proposed amendments would establish safety requirements for radiographic equipment. The proposed amendments are intended to reduce routine radiation exposures to radiographers and to reduce the number of overexposures to radiography operators and others caused by equipment failure. This action will be reassessed in light of parallel efforts aimed at radiographer training and certification and the issuance of an industry standard (ANSI N432).

Timetable: ANPRM Published: March 27, 1978 (43 FR 12718). Next Scheduled Action: Proposed rule, March 1983.

TITLE: CERTIFICATION OF INDUSTRIAL RADIOGRAPHERS

Agency Contact: James A. Jones, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5970.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 34.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The advance notice of proposed rulemaking would require all individuals who use byproduct material in the conduct of industrial radiography to be certified by a third party. Radiography licensees account for over 60 percent of the reported overexposures greater than five rems to the whole body. NRC regulations permit industrial radiographers to perform radiography independently. The NRC grants radiography licensees the authority to train and designate individuals competent to act as radiographers. The advance notice of proposed rulemaking seeks comment on a proposal that would enable NRC to verify the effectiveness of this training, thereby assuring that all radiographers possess adequate training and experience to operate radiographic equipment safely.

Timetable: ANPRM Published: May 4, 1982 (47 FR 19152). Next Scheduled Action: Proposed rule, December 1982.

TITLE: ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER-COOLED NUCLEAR POWER PLANTS

Agency Contact: Morton Fleishman, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5981.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233.

Abstract: The advance notice of proposed rulemaking seeks comment on several questions concerning the acceptance criteria for Emergency Core Cooling Systems (ECCS) in light-water-cooled nuclear power plants. Specifically, some of the questions to be commented on are (1) under what circumstances should corrections to ECCS models be used during licensing reviews without necessitating complete reanalysis of a given plant or an entire group of plants; (2) what would be the impact of the proposed procedure-oriented and certain specific technical rule changes; and (3) how should safety margins be quantified and how can acceptable safety margins be specified. The Commission is considering changing certain technical and nontechnical requirements within the existing ECCS rule. The technical changes would include consideration of new research information. The nontechnical changes would be procedure-oriented and would, among other things, allow for corrections to be made to vendor ECCS analysis codes during the construction review and during construction of the plant. The changes would provide improvements to the ECCS rule which would eliminate previous difficulties encountered in applying the rule and improve licensing evaluation in the light of present knowledge, while preserving a level of conservatism consistent with that knowledge.

Timetable: ANPRM Published: December 6, 1978 (43 FR 57157). Next Scheduled Action: Proposed rule, November 1982.

TITLE: SEVERE ACCIDENT DESIGN CRITERIA

Agency Contact: Morton R. Fleishman, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5981.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The advance notice of proposed rulemaking was published to provide the nuclear industry and the public an opportunity to submit advice and recommendations to the

Commission on what shoud be the content of a regulation requiring improvements to cope with degraded core cooling and with accidents not covered adequately by traditional design envelopes. The rulemaking proceeding will address the objectives of such a regulation, the design and operational improvements being considered, the effect on other safety considerations, and the cost of the design improvements compared to expected benefits. It is the Commission's intent to determine what changes, if any, in reactor plant designs and safety analysis are needed to take into account reactor accidents beyond those considered in the current design basis accident approach. Accidents under consideration include a range of loss-of-core-cooling, core damage, and core-melt events, both inside and outside historical design envelopes. In addition, the Commission will consider whether to require more coherent consideration of this range of core damage events in the design of both normal operating systems and engineered safety features.

Timetable: ANPRM Published: October 2, 1980 (45 FR 65474). Next Scheduled Action: Policy Statement 1982.

TITLE: DESIGN AND OTHER CHANGES IN NUCLEAR POWER PLANT FACILITIES AFTER ISSUANCE OF CONSTRUCTION PERMIT

Agency Contact: Tony DiPalo, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5981.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The advance notice of proposed rulemaking was published to seek comments on a proposal that would make the proecdure for facility licensing more predictable by (1) defining more clearly the limitations on what changes a construction permit holder may make to a facility during construction and (2) controlling the ways a construction permit holder implements NRC criteria. The proposal is intended to improve the present licensing process and to develop specific descriptions of essential facility features to which a construction permit holder is bound.

Timetable: ANPRM Published: December 11, 1980 (45 FR 81602). Next Scheduled Action: Proposed rule, December 1982.

TITLE: MANDATORY PROPERTY INSURANCE FOR DECONTAMINATION OF NUCLEAR FACILITIES

Agency Contact: Robert S. Wood, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–9885.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The advance notice is proposed rulemaking requests comments on the Long Report (NUREG-0891) entitled "Nuclear Property Insurance: Status and Outlook," in order to determine the adequacy of the NRC's property insurance requirements. This report, prepared by Dr. John D. Long, Professor of Insurance at Indiana Unviersity, was written as an outgrowth of the Three Mile Island-2 accident after it became apparent that nuclear utilities may need property insurance than has previously been required. The NRC staff asked Dr. Long to write the report, in part, to answer six pertinent questions regarding nuclear property insurance. The Commission seeks comments on the issues raised by the Long Report and other issues relating to property insurance for nuclear facilities, including the feasibility of NRC participation in the regulation of replacement power insurance programs. Since this is an ANPRM, alternatives have not been evaluated.

Timetable: ANPRM Published: June 24, 1982 (47 FR 27371). Next Scheduled Action: Proposed rule, February 1983.

TITLE: STORAGE AND DISPOSAL OF NUCLEAR WASTE

Agency Contact: Leo Slaggie, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (202) 634–3224; Sheldon Trubatch, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (202) 634–3224.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 51.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233.

Abstract: The advance notice of proposed rulemaking seeks public participation in a proceeding to be conducted by NRC on the storage and disposal of nuclear wastes. The purpose of the proceeding is (1) to assess generally the degree of assurance that radioactive wastes can be safely disposed of and (2) to determine whether disposal or off-site storage will be available prior to the expiration of a facility license and if not, whether radioactive wastes can be stored on-site past the expiration date of an existing facility license. This advance notice of proposed rulemaking was initiated in response to the decision of the U.S. Court of Appeals for the District of Columbia Circuit in *State of Minnesota v. NRC*, Nos. 78–1269 and 78–2032 (May 23, 1979), but also is a continuation of previous proceedings conducted by the Commission on this subject (see **Federal Register** notice published July 5, 1977; 42 FR 34391).

Timetable: ANPRM Published: October 25, 1979 (44 FR 61372). Next Scheduled Action: Proposed rule, October 1982.

TITLE: MODIFICATION OF THE POLICY AND REGULATORY PRACTICE GOVERNING THE SITING OF NUCLEAR POWER REACTORS

Agency Contact: William R. Ott, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4078.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 51, 10 CFR Part 100.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 5842.

Abstract: The advance notice of proposed rulemaking was published to seek comment on a proposal that would replace the existing reactor site criteria applicable to the licensing of nuclear power reactors with demographic and other siting criteria. The proposed rule would establish siting requirements that are independent of design differences between nuclear power plants. The proposed rule is intended to reflect the experience gained by the Commission since the original regulations on siting were published on April 12, 1962 (27 FR 3509). The proposed rule would ensure that Commission practices on nuclear power reactor siting afford sufficient protection to the public health and safety. The ANPRM also sought public comment on seven of the nine recommendations contained in NUREG–0625, "Report of the Siting Policy Task Force."

Timetable: ANPRM Published: July 29, 1980 (45 FR 50350). Next Scheduled Action: Proposed rule, December 1983.

TITLE: MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR FACILITIES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Agency Contact: Robert J. Dube, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4040.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The advance notice of proposed rulemaking would revise the material control and accounting (MC&A) regulations that apply to both existing and new fuel processing and fabrication facilities possessing formula quantities of strategic special nuclear material (SSNM). The amendments would permit (1) timely detection of the possible loss of strategic quantities of weapons grade nuclear material, (2) rapid determination of whether an actual loss of strategic quantities occurred, (3) facilitated recovery of the lost material by providing evidence regarding the source of the loss, if an actual loss occurred, and (4) long-term assurance that no significant loss has occured. These proposed regulations are currently being considered for application to future spent fuel reprocessing plants, but would not apply to waste disposal operations, nuclear reactors, or to users of nuclear material as sealed sources. Five basic options are presented in the advance notice of proposed rulemaking. These include two that emphasize existing inventory control requirements, and three that require material controls with a more timely frequency for detection and resolution of possible material losses. The latter three options also reduce a number of the existing requirements which the staff believes may not be cost-effective.

Timetable: ANPRM Published: September 10, 1981 (46 FR 45144). Next Scheduled Action: Proposed rule, April 1983.

TITLE: SEISMIC AND GEOLOGIC SITING CRITERIA FOR NUCLEAR POWER PLANTS

Agency Contact: Leon L. Beratan, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4370.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 100.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 5842.

Abstract: The advance notice of proposed rulemaking was published to solicit public comment on the need for a reassessment of the Commission's criteria for the siting of nuclear power plants. The Commission determined that this action was necessary as a result of experience gained with application of current criteria and the rapid advancement in the state of the art of earth sciences. The NRC staff was particularly interested in finding out about problems that have arisen in the application of existing siting criteria. The public was invited to state the nature of the problems encountered and describe them in detail. The public was also asked to submit proposed corrective actions. Two petitions for rulemaking filed with the Commission, PRM–50–20 and PRM–100–2 will be addressed as part of this rulemaking.

Timetable: ANPRM Published: January 19, 1978 (43 FR 2729). Next Scheduled Action: Proposed rule, 1986.

Section IV—Unpublished Rules

TITLE: MINOR CLARIFYING AMENDMENTS

Agency Contact: John Philips, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7086.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 1.

Legal Authority: 42 U.S.C. 2201.

Abstract: The final rule would codify nomenclature changes required by reorganization of NRC staff activities; indicate the reassignment of the responsibility for the implementation of the Paperwork Reduction Act and the preparation of the monthly *Nuclear Regulatory Commission Issuances;* indicate the change in the commercial telephone number for the NRC's Region IV Office; and announce that the NRC Region IV Uranium Recovery Field Office, located in Denver, Colorado, will become operational on October 4, 1982.

Timetable: Next Scheduled Action: Final rule, September 1982.

TITLE: JURISDICTION OF ADJUDICATORY BOARDS

Agency Contact: William M. Shields, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–8693.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 1, 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 2241.

Abstract: The final rule would amend the Statement of Organization and Rules of Practice to make explicit the jurisdiction of NRC's adjudicatory boards in certain ancillary licensing matters which may arise in the course of an operating license proceeding for a nuclear power reactor. The amendments clarify the board's authority to decide issues related to a license application for the receipt of cold fuel at a reactor site prior to issuance of an operating license.

Timetable: Next Scheduled Action: Final rule is pending before the Commission.

TITLE: MANAGEMENT OF DISCOVERY

Agency Contact: Trip Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7814.

Effects and Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 2231, 42 U.S.C. 2241, 42 U.S.C. 5841.

Abstract: The final rule would expand the authority for the presiding officer in an NRC adjudicatory proceeding to act on his or her own initiative to control discovery by setting guidelines for its use and imposing sanctions for its abuse. The rule would be intended to reduce unnecessary discovery and eliminate undue burdens on limited NRC staff resources. This rule is a part of the Commission's continuing efforts to expedite the NRC hearing process with due regard for the rights of the parties and is currently being reviewed by the Regulatory Reform Task Force.

Timetable: Next Scheduled Action: Final rule, Unscheduled.

TITLE: COMMISSION REVIEW PROCEDURES FOR POWER REACTOR CONSTRUCTION PERMITS; IMMEDIATE EFFECTIVENESS RULE

Agency Contact: Richard A. Parrish, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (202) 634–3224.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 581.

Abstract: The proposed rule (1) would retain the requirement that the Commission conduct a limited review of an Atomic Safety and Licensing Board's decision to grant a construction permit pending completion of administrative appeals and (2) would delete the requirement that an Atomic and Safety Licensing Appeal Board conduct a similar review. The proposed rule would not affect the separate Appeal Board and Commission appellate reviews of the merits of Licensing Board decisions. The proposed rule would amend the immediate effectiveness rule with regard to rules of practice for granting a power reactor construction permit to conform to those for granting an operating license. It would reduce somewhat the time required for administrative review of construction permit decisions while retaining direct Commission oversight prior to permit issuance. This proposed rule does not preclude further action on five alternatives for amending the "Immediate Effectiveness" rule presented in an earlier notice on May 22, 1980 (45 FR 34279).

Timetable: Next Scheduled Action: Proposed rule, September 1982.

TITLE: AUTHORITY TO ISSUE NOTICES OF VIOLATION TO NON-LICENSEES AND DELEGATION OF AUTHORITY TO REGIONAL ADMINISTRATORS

Agency Contact: Tom Brockett, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–4923.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2077, 42 U.S.C. 2021, 42 U.S.C. 2201, 42 U.S.C. 4332, 42 U.S.C. 4334, 42 U.S.C. 4335, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: The proposed rule would specifically authorize the issuance of a notice of violation to any person subject to the jurisdiction of the Commission, including non-licensees. The proposed rule would require non-licensees as well as licensees to comply with the Commission's regulations in §§ 2.200 and 2.201. In addition, the amendment would clarify the authority of Regional Administrators or their designees to issue notices of violation under §§ 2.200 and 2.201.

Timetable: Next Scheduled Action: Proposed rule, September 1982.

TITLE: APPEALS OF PREHEARING AND SPECIAL PREHEARING CONFERENCE ORDERS GRANTING OR DENYING INTERVENTION

Agency Contact: Bruce A. Berson, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7678.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: Since publication of the July 1982 NRC Regulatory Agenda the scope of the proposed rule has been expanded to clarify the appropriate procedure for appealing both a special prehearing §2.751a(d) and a prehearing § 2.714(a) conference order granting or denying a petition for leave to intervene in a nuclear power reactor licensing proceeding. For questions falling within the ambit of § 2.742(a), the proposed rule would retain the right of a person to take an immediate appeal to the Atomic Safety and Licensing Appeal Board of a conference order that wholly denies an intervention petition or that grants a petition that another person believes should have been wholly denied. The proposed rule would eliminate the opportunity for a person to file objections to intervention rulings in a conference order with the presiding officer conducting the hearing.

Timetable: Next Scheduled Action: Proposed rule, September 1982.

TITLE: EXECUTIVE ORDER 12356, "NATIONAL SECURITY INFORMATION", IMPLEMENTATION

Agency Contact: Raymond J. Brady, Office of Administration, U.S. Nuclear Regualtory Commission, Washington, DC 20555, (301) 427–4472.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 9.

Legal Authority: 42 U.S.C. 2165, 42 U.S.C. 2201, 42 U.S.C. 5841, E.O. 12365.

Abstract: The final rule would amend NRC regulations to incorporate the new Executive Order, 12356, "National Security Information," and Implementing Directive. E.O. 12356 replaces E.O. 12065 and modifies the procedures to be followed wherever a Freedom of Information Act request is made for a classified document. In addition, the rule makes minor changes to some definitions contained in these parts. This final rule would bring NRC regulations into compliance with the latest Executive Order, E.O. 12356, that prescribes a uniform system for classifying/declassifying, and safeguarding National Security Information.

Timetable: Next Scheduled Action: Final rule, November 1982.

TITLE: BACKFITTING

Agency Contact: James Tourtellotte, Regulatory Reform Task Force, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (202) 634–3300.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2021, 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239, 42 U.S.C. 4332, 42 U.S.C. 4334, 42 U.S.C. 4335, 42 U.S.C. 5841, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would modify current NRC regulations governing the "backfitting" of production and utilization facilities. "Backfitting" is the term used to describe modifications made to the design of a facility under operating license review or to an operating facility to meet upgraded requirements imposed in response to advances in knowledge concerning reactor design and reactor safety. The proposed changes would revise the Commission's standard for determining whether backfitting is required and are being considered as part of a larger effort to review the NRC's internal processes and procedures associated with the licensing of nuclear power reactors. The specific purposes for development of the proposed rule are as follows: (1) To improve the quality of the backfitting decision-making process; (2) To address the concern that the pace and nature of regulatory actions have created a potential safety problem which deserves further attention by the agency; and (3) To reduce the level of regulatory uncertainty and ensure better understanding and improve analysis of

the costs and safety benefits likely to result from NRC-imposed changes before they are placed in effect.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: STANDARDS FOR DETERMINING WHETHER LICENSE AMENDMENTS INVOLVE NO SIGNIFICANT HAZARDS CONSIDERATION

Agency Contact: Thomas F. Dorian, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–8690.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, Pub. L. 97–xxx.

Abstract: The final rule would implement pending legislation specifying standards for determining whether amendments to operating licenses for certain facilities involve no significant hazards consideration. The Commission has incorporated provisions into the final rule which are substantially identical to those in the proposed rule published in **Federal Register** March 28, 1980 (45 FR 20491).

Timetable: Next Scheduled Action: Final rule to follow Congressional action on conference committee report on NRC FY–82/83 Authorization Bills (S. 1207 and H.R. 4255) October 1982.

TITLE: CRITERIA FOR NOTICE AND PUBLIC COMMENT AND PROCEDURES FOR STATE CONSULTATION ON LICENSE AMENDMENTS INVOLVING NO SIGNIFICANT HAZARDS CONSIDERATION

Agency Contact: Thomas F. Dorian, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–8690.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, Pub. L. 97–xxx.

Abstract: The proposed rule would implement pending legislation by specifying criteria and procedures for providing or dispensing with prior notice and public comment on determinations about whether amendments to operating licenses for certain facilities involve no significant hazards consideration. In addition, the proposed rule would specify procedures for consultation on these determinations with the State in which the facility of the license requesting the amendment is located. The proposed rule would permit the Commission to act expeditiously, if circumstances surrounding a request for amendment require a prompt response and to issue an amendment before holding any required hearing, unless a significant hazards consideration is involved.

Timetable: Next Scheduled Action: Proposed rule to follow Congressional action on Conference Committee report on NRC FY–82/83 Authorization Bills (S. 1207 and H.R. 4255) October 1982.

TITLE: TEMPORARY OPERATING LICENSES

Agency Contact: Thomas F. Dorian, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–8690.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, Pub. L. 97–xxx.

Abstract: The proposed rule would implement pending legislation by permiting the Commission to issue a temporary operating license for a nuclear power plant authorizing fuel loading, low-power operation, and testing. This temporary operating license would be issued in advance of the conduct or completion of an on-the-record evidentiary hearing on contested issues relating to the final operating license. This rule would speed the licensing process by authorizing utilities that have built and applied for licenses to operate nuclear power plants to load fuel and conduct low-power operation and testing on the basis of previously submitted and approved safety and environmental evaluations. Before enactment of pending Pub. L. 97–xxx, the Commission lacked the authority to authorize fuel loading and low power operation and testing on the basis of safety and environmental evaluations; instead, this authorization was possible only after the hearing process was complete. Estimates of the cost to utilities and their customers for this type of licensing delay, even if limited to the cost of replacement power, range to tens of millions of dollars per month for each completed plant.

Timetable: Next Scheduled Action: Proposed rule to follow Congressional action on Conference Committee report on NRC FY–82/83 Authorization Bills (S. 1207 and H.R. 2330).

TITLE: CLARIFICATION OF INSPECTION PROCEDURES

Agency Contact: Jerry D. Ennis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5976.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 19, 10 CFR Part 21, 10 CFR Part 30, 10 CFR Part 40, 10 CFR Part 50, 10 CFR Part 70, 10 CFR Part 71, 10 CFR Part 73, 10 CFR Part 110.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2207.

Abstract: The proposed rule would specify more clearly the authority of NRC inspectors to (1) perform tests on safeguards-related equipment and procedures at licensee facilities, (2) copy and take away copies of licensee records, and (3) specify the retention period for licensee physical security records. The proposed rule would clarify the authority of NRC inspectors to inspect and evaluate a licensee's safeguards program.

Timetable: Next Scheduled Action: Proposed rule, September 1982.

TITLE: REPORTS OF THEFT OR LOSS OF LICENSED MATERIAL

Agency Contact: Donald Nellis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2073.

Abstract: The proposed rule would remove a discretionary clause that requires each NRC licensee to report a loss or theft of licensed material only when it appears to the licensee that the loss or theft would pose a substantial hazard to persons in an unrestricted area. The proposed rule would provide increased radiological safety to the public by requiring all losses or thefts of licensed material be reported to the NRC if the loss exceeds the minimum quantity specified in the regulations.

Timetable: Next Scheduled Action: Proposed rule, November 1982.

TITLE: PERFORMANCE TESTING FOR HEALTH PHYSICS SURVEY INSTRUMENTS

Agency Contact: James A. Jones, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5970.

Effects on Small Businesses and other entities: This action is not expected to

have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2093, 42 U.S.C. 2095, 42 U.S.C. 2111, 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2273, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: The advance notice of proposed rulemaking would require that NRC licensees use health physics survey instruments that have been certified as meeting certain performance specifications. The proposed rule would permit the NRC to determine whether health physics survey instruments used by almost all NRC licensees meet acceptable performance standards. The proposed rule would improve the radiation safety of workers using health physics instruments by ensuring that the instruments meet acceptable performance standards.

Timetable: Next Scheduled Action: Advance notice of proposed rulemaking, December 1982.

TITLE: MONITORING OF PACKAGES CONTAINING RADIOACTIVE MATERIALS UPON RECEIPT BY LICENSEES

Agency Contact: Steven Bernstein, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5842.

Abstract: The proposed rule would (1) extend current requirements for the receipt and external radiation monitoring by licensees of packages containing an excess of Type A quantities of nuclear material to include additionally those packages (not transported by exclusive use vehicles) containing more than one-third of a Type A quantity of nuclear material (a quantity of nuclear material, the total radioactivity of which does not exceed the values specified in § 71.14(q)), which, if damaged, could pose a direct radiation hazard; (2) remove the existing requirement to report excessive external radiation levels at the package surface to avoid increased occupational radiation exposure to the worker; and (3) add a general package monitoring under existing NRC regulations in § 20.205. The proposed rule is in response to a May 1979 General Accounting Office (GAO) report entitled "Federal Actions Are Needed To Improve Safety and Security of Nuclear Material Transportation" (EMD–79–18), which recommended that the NRC modify § 20.205 to broaden its requirements for the monitoring of external radiation levels of packages not covered by the existing regulations. The effect of the proposed rule would be to provide increased radiological protection for transportation workers and the general public by broadening the requirements for monitoring packages used to transport radioactive material.

Timetable: Next Scheduled Action: Proposed rule, February 1983.

TITLE: PERFORMANCE TESTING FOR BIOASSAY LABS

Agency Contact: Allen Brodsky, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5970.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20.

Legal Authority: 42 U.S.C. 5841.

Abstract: The proposed rule would require licensees who provide bioassay services for individuals to assess internal radiation exposure to use accredited laboratories after the NRC establishes an accreditation program. The proposed rule would reduce unacceptable errors in measurements that have been revealed by programs designed to check the accuracy of laboratories analyzing materials for radioactivity, thus improving the accuracy and reliability of determinations of internal radiation exposure or intakes of radioactive material. An expert committee of the Health Physics Society has written a draft standard. The draft standard will be revised within the next two months to take into account early comments from industry solicited by the NRC. The NRC in cooperation with the DOE has established a performance testing study to test the standard and provide the information necessary to complete the standard and to design and set up an accreditation program.

Timetable: Next Scheduled Action: Proposed rule, April 1984.

TITLE: REPORTING OF DEFECTS AND NONCOMPLIANCE

Agency Contact: Francis X. Cameron, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5981.

Effects on Small Businesses and Other Entities: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 21.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5846.

Abstract: The proposed rule would revise a substantial portion of Part 21 of the commission's regulations to permit more effective reporting of defects and noncompliance and to improve NRC's inspection and enforcement actions. Part 21 requires any individual, director, or responsible officer of a firm, that constructs, owns, operates, or supplies the components of any facility or activity that is licensed or otherwise regulated by the NRC to notify the NRC immediately of the failure, or the potential for failure, of any facility, activity, or basic component supplied to a facility. This rule is in response to Task II.2.4. of the TMI Action Plan, which identified the need for improved identification of safety-related problems at licensed facilities. The proposed rule would require more uniform reporting and earlier identification and correction of safety problems at NRC-licensed facilities and in NRC-licensed activities.

Timetable: Next Scheduled Action: Proposed, March 1983.

TITLE: ACCESS TO AND PROTECTION OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

Agency Contact: Raymond J. Brady, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4472.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 25, 10 CFR Part 95.

Legal Authority: 42 U.S.C. 2165, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would (1) modify the requirements for requesting access authorizations for individuals who possessed authorizations on the effective date of Part 25, (2) establish a requirement to maintain records concerning visits to and from affected licensed facilities involving classified information, (3) provide additional guidance to affected licensees for handling classified drafts of documents and working papers as well as guidance for obtaining approvals for the security of telecommunications and ADP systems where classified information is involved, and (4) address the requirements for classifying, declassifying and safeguarding National Security Information as set forth in the new E.O. 12356 and Implementing Directive. These proposed amendments

are necessary to incorporate experience gained under the current regulations, comply with the requirements of the new Executive Order 12356, and prohibit the unauthorized disclosure of National Security Information and Restricted Data.

Timetable: Next Scheduled Action: Proposed rule, September 1982.

TITLE: PERIODIC AND SYSTEMATIC REEVALUATION OF PARTS 30 AND 32

Agency Contact: James J. Henry, Office of the Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5981.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 30, 10 CFR Part 32.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2234, 42 U.S.C. 5846.

Abstract: The proposed rule would be an editorial revision of the regulations governing the domestic licensing of byproduct material and the exemptions from domestic licensing requirements. The proposed rule would reflect the application of good regulatory drafting practices. The proposed rule would simplify and clarify the format of the present regulations so that persons subject to byproduct material regulations can conveniently use and understand them.

Timetable: Next Scheduled Action: Proposed rule, January 1983.

TITLE: CLARIFIED REQUIREMENTS FOR TERMINATING A LICENSE

Agency Contact: William R. Pearson, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5910.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR 30, 10 CFR 40, 10 CFR 70.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2092, 42 U.S.C. 2093, 42 U.S.C. 2111, 42 U.S.C. 2112, 42 U.S.C. 2113, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2236, 42 U.S.C. 2282, 42 U.S.C. 5842.

Abstract: The proposed regulation would clarify a licensee's authority and responsibility for nuclear materials and specify procedures that would allow for orderly license termination. Current regulations are not specific concerning licensee responsibility for nuclear materials. A licensee could dispose of nuclear materials, notify the Commission of its intent to discontinue operations, and vacate the premises before the NRC staff could verify residual radioactive contamination levels. This situation has the potential for adverse public health and safety effects. The proposed rule is necessary to protect public health and safety by establishing clear procedures for the termination of a license. These procedures would ensure that licensed materials are properly disposed of and facilities and sites are properly decontaminated before a licensee's responsibility is terminated. Each licensee who decides to discontinue operations permanently would be required to submit form NRC–314. This form contains information describing the disposal of nuclear materials. Except for licensees with only sealed sources, each licensee would submit a final radiation survey report. If there is no residual radioactive contamination above background, the Commission may terminate the license. If there is residual radioactive contamination, the licensee would be required to decontaminate the nuclear facility before the Commmission would terminate the licensee's responsibility under its license.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: CONSUMER PRODUCTS CONTAINING SMALL QUANTITIES OF RADIOACTIVE MATERIAL; MODIFIED APPROVAL TRANSFER REPORTING REQUIREMENTS

Agency Contact: Donovan A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 32.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5841.

Abstract: The proposed rule would modify the annual reporting requirements imposed on persons specifically licensed to distribute products containing small quantities of byproduct material. The regulations require licensees distributing products containing exempt quantities of radioactive material to submit annual reports on the type and number of products distributed. A negative report was required if nothing was distributed during a reporting period. NRC uses these reports to estimate exposure of the general public to widely used consumer radioactive products. A licensee's questions concerning the significance of the reports has led to a review of the reporting requirement. The proposed rule is intended to rduce the administrative and paperwork burden for the licensee and the NRC without significantly changing the value of the reports to the regulatory program monitoring the use of radioactive materials in consumer products.

Timetable: Next Scheduled Action: Proposed rule, November 1982.

TITLE: MEDICAL LICENSES FOR HUMAN USE OF BYPRODUCT MATERIAL

Agency Contact: Willam J. Walker, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4232.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR 35.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233.

Abstract: The proposed rule would completely revise Part 35. This part contains the requirements and procedures applicable to a physician or medical institution that seeks to obtain a license authorizing the human use of byproduct material. The proposed rule would simplify the medical licensing process by adopting a "performance standard" approach to medical licensing. The proposed rule would simplify the medical licensing process and reduce the administrative burden on the licensee and the NRC by (1) including in the regulations all the requirements a medical licensee must meet; (2) eliminating or modifying administrative requirements not essential to safety; (3) simplifying the application form which, together with an automated licensing system, will create a more efficient licensing process; and (4) reducing the paperwork burden for the licensee and the NRC. The proposed rule would be consistent with regulatory reform objectives while maintaining the current level of protection to the health and safety of the medical worker and the general public. An earlier rule on which the NRC was considering action that would clarify the responsibilities of various echelons of nuclear medicine personnel has been incorporated into this proposed revision of Part 35. The economic impact of this rule on small business is difficult to quantify.

however, the public will be invited to specifically comment on the impact when this rule is published in the **Federal Register.**

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: MISADMINISTRATION OF RADIOACTIVE MATERIAL; PROPOSED REMOVAL OF REPORTING REQUIREMENTS

Agency Contact: Lidia A. Roche, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4211.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 35.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5841.

Abstract: The proposed rule would remove the requirement that NRC's medical licensees report certain misadministrations of radioactive material to the NRC, to the patient's referring physician, and with certain safeguards, to the patient. On May 14, 1980 (45 FR 31701) the Commission published the final rule requiring NRC's medical licensees to report misadministrations of radioactive material. The rule was intended to detect common conditions that lead to misadministrations. The Commission would then correct these conditions through regulations and license conditions. At the time the rule was issued, the Commission indicated that it would reevaluate the merits of continuing the regulation after three years. In a memorandum dated June 30, 1981, the Commission directed the staff to conduct an analysis of the first year's reports. The NRC is considering the removal of the misadministration reporting requirements because an analysis of the first year's reports has not revealed errors that can be corrected through regulations and because of the continued controversy raised by the requirements in the medical community. This action would reduce the regulatory burden on medical licensees and the administrative burden on NRC staff by removing a reporting requirement that, in the opinion of the staff, has largely achieved its primary purpose. The recordkeeping requirement will be maintained as a source of information subject to inspection or data collection.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: REGIONAL LICENSING PROGRAM; FORT ST. VRAIN NUCLEAR GENERATING STATION

Agency Contact: Darrell G. Eisenhut, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7672.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The final rule furthers the implementation of NRC's regional licensing program by specifying the categories of nuclear reactor licensing actions for which full responsibility has been delegated to the Regional Administration of Region IV. These licensing actions pertain only to the Fort St. Vrain Nuclear Generating Station, which is the first nuclear reactor for which selected licensing activities are transferred to a region.

Timetable: Next Scheduled Action: Final rule, September 1982.

TITLE: LABORATORY ACCREDITATION PROGRAM

Agency Contact: Frederick Forscher, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5952.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The proposed rule requires that certain equipment qualification testing be performed in laboratories that have been accredited in accordance with procedures administered by the Institute of Electrical and Electronics Engineers (IEEE). The proposed rule would uniformly and equitably improve the reliability and accuracy of qualification testing performed by accredited laboratories and provide greater assurance of protecting the public health and safety.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: FILING OF CONTROLLED COPIES OF EMERGENCY PLANS

Agency Contact: Kenneth E. Perkins, Jr., Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7361.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would require certain licensees to submit a specified number of controlled copies of emergency plans and implementing procedures along with changes to these plans and procedures to the appropriate NRC regional office and to NRC headquarters. Each of the controlled copies delivered to NRC would have a receipt attached that would be signed and returned to the licensee by the NRC employee who is responsible for receiving and maintaining the controlled copies. The NRC employee would certify that the plan was received and filed or that the changes were received and incorporated into the appropriate emergency plan. Adoption of the proposed rule would ensure that the NRC has the latest updated plan to use in the event of a radiological incident or accident. The proposed rule would also reduce the number of copies that a licensee must submit to the NRC from 13 to 3 thus lessening the regulatory burden on affected licensees.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (SUMMER 1982)

Agency Contact: Edward Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5894.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would incorporate by reference the Summer 1982 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders. The proposed rule would include the most recent changes made to the ASME Boiler and Pressure Vessel Code and permit the use of improved methods for construction of nuclear power plants.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: APPLICABILITY OF APPENDIX B TO APPENDIX A

Agency Contact: William L. Belke, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–7741.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134 42 U.S.C. 2201, 42 U.S.C. 2233.

Abstract: The proposed rule would clarify the quality assurance program requirements for those structures, systems and components of nuclear power plants that are important to safety. The proposed rule would also eliminate any possible confusion over the definition of the terms "important to safety" and "safety-related" and provide a clear statement in the Commission's regulations concerning the applicability of the quality assurance criteria in 10 CFR Part 50 of Appendix B to the structures, systems, and components covered in Appendix A. In the aftermath of the Three Mile Island-2 accident, a number of studies concluded that the scope of the items to which the quality assurance criteria of Appendix B to 10 CFR Part 50 apply needs to be broadened to include the full range of safety matters as was originally intended. Typical examples of structures, systems, and components for which the Appendix B quality assurance program criteria may not have been fully implemented are in-core instrumentation, reactor coolant pump motors, reactor coolant pump power cables, and radioactive waste system pumps, valves, and storage tanks. The proposed rule is intended to clarify the Commission's original intent by revising Criterion 1 of Appendix A to state specifically that the criteria to be used for the quality assurance program required in Appendix A are those criteria contained in Appendix B. Additionally, in order to eliminate confusion over definition of the terms "important to safety" as used in Appendix A and "safety-related" as used in Appendix B, the proposed rule would, in Appendix B, delete the term "safety-related". The proposed rule could expand the extent of the review applied to nuclear power plant structures, systems, and components, and thus, it could help ensure the appropriate application of quality assurance program requirements during the construction of nuclear power plants.

Timetable: Next Scheduled Action: Proposed rule, November 1982.

TITLE: EXTENSION OF CRIMINAL PENALTIES

Agency Contact: Frank Swanberg, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4364.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The proposed rule, in accordance with the provisions of the NRC Authorization Act for Fiscal Year 1980, would extend the application of the criminal penalties provision of the Atomic Energy Act (AEA) of 1954, as amended, to any individual director, officer, or employee of a firm constructing or supplying the components of a nuclear power plant who knowingly and willfully violates any NRC regulation, order, or license condition during construction of a nuclear power plant. Section 223(b) of the AEA essentially directs the Commission to establish a limit for potential unplanned off-site releases of radioactive material which would trigger consideration of possible criminal penalties. As directed in Section 223(b)(3), the proposed rule establishes, in its definition of a "basic component," the limits for potential unplanned releases of radioactive material that could trigger application of criminal penalties.

Timetable: Next Scheduled Action: Proposed rule, December 1982.

TITLE: OCCUPATIONAL ALARA RULE

Agency Contact: Jack M. Bell, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5970.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would require NRC commercial nuclear power plant operating licensees to develop and use means, that are subject to NRC inspection and enforcement, to achieve and control occupational radiation dosages that are as low as reasonably achievable (ALARA). This requirement would become part of the Radiation Protection Programs of licensees required to provide personnel monitoring, perform bioassays, or to measure concentrations of radioactivity in the air. The proposed rule was developed in order to promulgate a regulation which would express the Commission's belief that radiation doses received by workers in licensed activities can and should be reduced and to strengthen efforts to maintain occupational doses of ionizing radiation ALARA. The Commission believes that a reduction in the occupational collective (man-rem) dose received in connection with NRC licensed activities at nuclear power plants can be effected without unreasonable costs to licensees. Further, the Commission believes that this reduction can be achieved through the implementation of amendments to NRC regulations that would place greater emphasis on the ALARA concept as applied to workers in restricted areas, with the objective of elevating the radiation protection performance of less safety conscious licensees and applicants to the level currently achieved by the better performers. With this objective, it is feasible to adopt as performance criteria radiation protection techniques which have been shown by experience to be both effective and practical.

Timetable: Next Scheduled Action: Proposed rule, December 1982.

TITLE: REPORTING OF SIGNIFICANT DESIGN AND CONSTRUCTION DEFICIENCIES

Agency Contact: Francix X. Cameron, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5981.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The proposed rule, initiatied in response to TMI Action Plan Task II.J.4, would clarify the description of a significant design or construction deficiency in a nuclear power plant. The proposed rule would require the holder of a construction permit to provide the Commission with more timely information regarding potential construction or design deficiencies.

Timetable: Next Scheduled Action: Proposed rule, March 1983.

TITLE: CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (WINTER 1982)

Agency Contact: Edward Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5894.

Effects on Small Businesses and Other Entities: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would incorporate by reference the Winter 1982 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants. The proposed rule would include the most recent changes made to the ASME Boiler and Pressure Vessel Code and permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Timetable: Net Scheduled Action: Proposed rule, April 1983.

TITLE: EMERGENCY PREPAREDNESS REPORTING REQUIREMENTS

Agency Contact: Kenneth E. Perkins, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7361.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would add a specific provision to the Commission's regulations which would require nuclear power plant licensees to report to the Commission if the level of emergency preparedness is adversely affected. The proposed reporting requirements would focus on the more important aspects of emergency preparedness such as communications capabilities and accident assessment capabilities, while placing less emphasis on items such as recovery operations and updating and distribution of copies of the emergency preparedness plan. The purpose of the proposed rule is to ensure that an adequate level of emergency preparedness is maintained by nuclear power plant licensees. The proposed rule would provide an enforceable basis for requiring that the affected licensees report to the NRC concerning deficiencies in the status of their emergency preparedness capabilities.

Timetable: Net Scheduled Action: Proposed rule, June 1983.

TITLE: FIRE PROTECTION FOR FUTURE PLANTS

Agency Contact: David P. Notley, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5946.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would provide more comprehensive fire protection requirements for future nuclear power plants by consolidating the NRC fire protection guidelines and requirements for nuclear power plants into one enforceable document. The present requirements for fire protection at nuclear power plants are limited in that these requirements apply only to plants licensed prior to January 1, 1979. At the time when these effective regulations were approved, the Commission directed the staff to proceed with development of a comprehensive rule for plants licensed in the future.

The Commission has approved a staff recommendation that preparation of the proposed comprehensive fire protection rule for new nuclear power plants be postponed until June 1984. This postponement will allow the staff to concentrate on processing the many Appendix R exemption requests. The results of relevant research and the exemption request resolution decisions will then be available to assure proper technical bases for the rule.

In addition, the Commission requested a report from the staff by June 30, 1983, which will describe the types of exemptions requested and the safety significance of those requests. The report is also to provide a summary of research results obtained and a discussion of the impact those results have on the staff's review of fire protection requirements, including the need for revision to present fire protection requirements. The Commission may reevaluate the issue of whether or not to proceed with a comprehensive fire protection rule for future plants following receipt of the report.

Timetable: Next Scheduled Action: Report to the Commission, June 30, 1983.

TITLE: PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Agency Contact: Gunter Arndt, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5860.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 5841.

Abstract: The proposed rule would revise the criteria for preoperational and periodic pressure testing for leakage of primary and secondary containment boundaries of water-cooled power reactors. The curent regulation specifies the criteria that leakage testing must meet and how the testing must be performed. The proposed rule would implicity recognize national standard (ANSI/ANS 56.8) that specifies approved procedures for conducting the test and thus permit the NRC staff to focus its attention on the performance standard and design criteria aspects of the regulation. The proposed rule would eliminate ambiquities, increase the flexibility of the regulation, and emphasize the testing criteria aspects of the regulation while reducing the mechanistic aspects of the testing procedure. It would also reduce the paperwork burden on NRC and the compliance burden on licensees by reducing the number of exemption requests licensees are required to submit.

Timetable: Net Scheduled Action: Proposed rule, September 1983.

TITLE: RADON EMISSIONS ESTIMATE FOR TABLE S–3

Agency Contact: William E. Thompson, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4211.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 51.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: In a **Federal Register** notice published on April 14, 1979 (43 FR 15613) the Commission deleted the radon-222 value from Table S–3 because it was recognized to be underestimated; the Commission stated that upon issuance

of the Generic Environmental Impact Statement (GEIS) on uranium milling and the evaluation of data from several ongoing research programs, it would determine whether to initiate rulemaking to provide a new estimate for radon-222 in Table S–3. Meanwhile, the environmental effects of radon-222 would be subject to litigation in individual nuclear power plant licensing proceedings. The purpose of the proposed rule would be to deal with this question generically for all nuclear power plants, thus saving the time and cost of repetitive consideration of the effects of radon-222 in individual nuclear power plant licensing proceedings. The GEIS on uranium milling and the reports of research on radon releases in uranium mining were published in 1979 and 1980. Based on these documents, the staff developed new estimates of radon emissions from the entire fuel cycle. These new estimates were introduced into the public record at the February 1980 hearing on radon before the Atomic Safety and Licensing Appeal Board in Harrisburg, PA. The Appeal Board decision of May 13, 1981 (ALAB–640), upheld the staff's new estimates of radon releases and deferred for later consideration the questions of health effects. Rulemaking to add the new value for radon-222 in Table S–3 is being held in abeyance until the Appeal Board completes its decision, which is expected in September 1982.

In a separate action, the D.C. Circuit Court of Appeals decision of April 27, 1982, invalidated the entire Table S–3 rule. The Nuclear Regulatory Commission is appealing this decision to the Supreme Court. Pending the outcome of this appeal, the rulemaking to add a new estimate for radon-222 to Table S–3 is being held in abeyance.

Timetable: NRC Atomic Safety and Licensing Appeal Board Decision on Health Effects of Radon-222: September 1982 (estimated). Supreme Court Decision on Entire S–3 rule: Spring-Summer 1983. Next Scheduled Action on Rulemaking: After the Supreme Court Decision, probably late in 1983 or early in 1984.

TITLE: OPERATOR QUALIFICATION AND LICENSING

Agency Contact: Ellis Merschoff, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5942.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 55.

Legal Authority: 42 U.S.C. 2137, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would strengthen the criteria for issuing licenses to operators of nuclear power plants. The rule will focus on improvements in requirements for operator education, operator simulator training, operator understanding of the theory behind the operation of a facility, maintaining operator proficiency, and requalification examinations. The proposed rule would improve operator performance, help minimize the possibility of accidents, and enhance the ability of operators to deal with a potential accident.

Timetable: Next Scheduled Action: Proposed rule, March 1984.

TITLE: REGIONAL LICENSING REVIEWS

Agency Contact: Martin Levy, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 497–4024.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2201.

Abstract: The NRC is amending its regulations to require licensees to submit reports of planned changes which do not decrease safeguards effectiveness. This action is being taken as part of the implementation of the NRC regional licensing program under which full responsibility for certain categories of actions is being delegated to Regional Administrators. The amendments are to inform current or prospective licensees of current NRC practice and organization.

Timetable: Next Scheduled Action: Final rule, October 1982.

TITLE: PERSONNEL ACCESS AUTHORIZATION REQUIREMENTS FOR NUCLEAR POWER PLANTS (PART OF INSIDER PACKAGE)

Agency Contact: James A. Prell, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5976.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 73.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would require nuclear power plant licensees and applicants to establish an access authorization program for individuals requiring unescorted access to the protected and vital areas of nuclear power plants. On March 17, 1977, the NRC published in the **Federal Register** (42 FR 14880) a proposed rule that would establish an unescorted access authorization program for individuals who have access to or control over special nuclear material (SNM). Written comments were invited and received. On December 28, 1977, the NRC published in the **Federal Register** (42 FR 64703) a notice of public hearing on the proposed rulemaking. The NRC subsequently established a Hearing Board to gather additional testimony. A final rule establishing an access authorization program for fuel cycle facilities and transportation licensees was published in the **Federal Register** on November 21, 1980. As a result of information gathered at the public hearing and its own examination of the proposed access authorization program, the Hearing Board recommended that a new access authorization program be established for and administered by nuclear power plant licensees. On June 24, 1980, the Commission directed the staff to prepare a proposed rule to establish an access authorization program for nuclear power plant licensees. This program will include personnel screening to determine the suitability of an employee to be permitted unescorted access to either protected or vital areas of nuclear power plants.

Timetable: Next Scheduled Action: Proposed rule, November 1982.

TITLE: QUALIFICATION OF EQUIPMENT

Agency Contact: Harold I. Gregg, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5860.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 100.

Legal Authority: 42 U.S.C. 2201.

Abstract: The advance notice of proposed rulemaking seeks comment on a proposal to clarify requirements for nuclear power plant licensees and applicants to demonstrate the ability of equipment that is important to safety to perform its function in accordance with design and functional specifications under normal and postulated accident conditions. The establishment of qualification criteria for selected

components of nuclear power plants will help create a more uniform program to assess the performance of equipment under certain conditions. The proposed rule would assure conformity in individual equipment qualification reviews and provide a sufficient technical basis for judgments of acceptability by each reviewer.

Timetable: Next Scheduled Action: Advance notice of proposed rulemaking delayed pending adoption and implementation of Equipment Qualification Program Plan.

TITLE: TRANSIENT SHIPMENTS OF SPECIAL NUCLEAR MATERIAL OF MODERATE AND LOW STRATEGIC SIGNIFICANCE AND IRRADIATED REACTOR FUEL

Agency Contact: C. K. Nulsen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4186.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The NRC is amending its regulations to license and require physical protection for transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel. Transient shipments are those that originate and terminate in foreign countries, but stop in the United States en route. The purpose of the amendments is to implement fully the provision of the Convention on the Physical Protection of Nuclear Material, which the United States signed on March 3, 1980. This Convention is the result of a U.S. proposal originally made by the Secretary of State in 1974. The NRC reviewed its regulations and procedures in order to determine whether the U.S. is in compliance with the provisions of the Convention. The review disclosed that U.S. regulations meet all requirements of the Convention except for regulations regarding the physical protection of transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel. Under the proposed rule, carriers of transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel would be issued a general license and be required to protect these materials in a manner that is consistent with U.S. domestic material of the same types and quantities.

Benefit of the rule: Places the U.S. in full compliance with the Convention.

Alternatives Considered: None.

Potential Costs: Increased costs are likely to be insignificant because of the infrequent occurrence of these shipments and the slight increase in safeguard requirements.

Timetable: Submission to the Commission for approval, October 1982.

TITLE: MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR LOW ENRICHED URANIUM FUEL CYCLE FACILITIES

Agency Contact: Robert J. Dube, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4040.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would establish more cost-effective material control and accounting (MC&A) requirements for low enriched uranium (LEU). Under current regulations almost all substantive requirements apply uniformly to all licensees authorized to possess greater than one effective kilogram of special nuclear material, whether they have high enriched uranium (HEU), plutonium, or LEU. However, both NRC-sponsored and independent studies have concluded that safeguard risks associated with LEU are far less significant than risks associated with HEU. The proposed rule reduces the LEU MC&A requirements to a level commensurate with the material's low safeguards significance, while maintaining safeguards standards which meet those of the IAEA.

Timetable: Next Scheduled Action: Proposed rule, December 1982.

TITLE: SAFEGUARDS REQUIREMENTS FOR LICENSES AUTHORIZED TO POSSESS SNM OF MODERATE OR LOW STRATEGIC SIGNIFICANCE

Agency Contact: Andrea Kuffner, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5876.

Effects on Small Business and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entites.

CFR Citation: 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2071, 42 U.S.C. 2073, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would require a licensee to obtain approval from the NRC prior to making any changes in the licensee's security plan which would reduce the security plans effectiveness. This proposed requirement would apply to any licensee who submits a physical security plan in accordance with § 70.22(k). These licensees include those which possess or use special nuclear material (SNM) of moderate strategic significance or 10kg. or more SNM of low strategic significance, except those licensees who possess this material in the operation of a nuclear power plant. This requirement currently applies to any licensee, other than nuclear power reactor licensees, who possess formula quantities of SNM and who submit physical security plans in accordance with §§70.22(h) or 73.20(c).

Timetable: Next Scheduled Action: Proposed rule, March 1983.

TITLE: CHANGES IN PHYSICAL SECURITY PLANS; LICENSEES POSSESSING OR USING SPECIAL NUCLEAR MATERIAL OF MODERATE AND LOW STRATEGIC SIGNIFICANCE

Agency Contact: Andrea R. Kuffner, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5976.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2201.

Abstract: The final rule would amend the regulations for domestic licensing of special nuclear material to allow licensees possessing or using special nuclear material of moderate and low strategic significance to change their physical security plans without prior approval of the Commission, provided the changes do not decrease the effectiveness of the plan. These licensees were inadvertently omitted from the regulation published on July 24, 1979 (44 FR 43280). The final rule would correct the oversight.

Timetable: Next Scheduled Action: Final rule, March 1983.

TITLE: PHYSICAL PROTECTION OF IRRADIATED REACTOR FUEL IN TRANSIT

Agency Contact: Carl B. Sawyer, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4886.

Effects on Small Businesses and Other Entities—This action is not

expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 73.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5842.

Abstract: The proposed rule would moderate the present interim requirements for the protection of shipments of irradiated reactor fuel cooled for 150 days or more. Recent research shows that the quantity of radioactive material that would be released as a result of successful sabotage is much smaller than was supposed at the time that the interim rule was issued. The moderated requirements would provide for (1) shipments to be accompanied by an unarmed escort, who may be a driver or carrier employee and may have other duties, (2) on-board communications, and (3) immobilization capability for trucked shipments. Present interim requirements will continue to be effective for shipments of irradiated reactor fuel cooled less than 150 days.

Benefits of the rule: Eliminate unnecessarily strict requirements which presently apply ot spend fuel shipments.

Alternatives considered: Various levels of protection requirements.

Potential costs: A saving to licensees of about $25,000 to $30,000 annually, assuming 135 shipments annually.

Timetable: Next scheduled action: Proposed rule, November 1982.

TITLE: MEDICAL STANDARDS FOR EMPLOYMENT OF SECURITY PERSONNEL

Agency Contact: Kristina Z. Markulis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5976.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 73.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5842.

Abstract: The proposed rule would amend the medical standards for the employment of security personnel by licensees which operate nulcear power plants, fuel cycle facilities, or possess or ship certain quantities of special nuclear material. Specifically, the rule would revise paragraph I. B.(3) of Appendix B to Part 73 to provide the conditions under which persons with an estabished medical history or medical diagnosis of a chronic or nervous disorder may be employed as security personnel. Currently, these criteria provide that an individual have no established medical history or diagnosis of epilepsy of diabetes or, where either of these medical conditions exist, the individual provides medical evidence that the condition may be controlled with proper meidication. The revised paragraph would calrify the types of diseases which are required to be controlled in order for individuals to be employed as security personnel and would require that an individual who has any chronic disease or nervous disorder must provide evidence that it can be controlled through medication.

Timetable: Next Schedued Action: Revision of Part 73, September 1984.

TITLE: PATENTS

Agency Contact: Neal E. Abrams, Office of Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–8662.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 81.

Legal Authority: 42 U.S.C. 3182.

Abstract: The proposed rule would establish the policies, general rules, and procedures regarding the handling of patent matters, for which the NRC presently has no regulations, in a manner that would be substantially like those being used by other government agencies. The proposed rule would revise completely Part 81, which currently is directed only to patent licensees, into a regulation that sets forth NRC patent policies, regulations, and rules for contract clauses, waiver of rights provisions, and other applicable areas.

Timetable: Next Scheduled Action: Proposed rule, January 1983.

TITLE: EXPORT OF AUSTRALIAN-ORIGIN NUCLEAR MATERIAL AND EQUIPMENT

Agency Contact: Marvin R. Peterson, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–4599.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 110.

Legal Authority: 42 U.S.C. 2201.

Abstract: The final rule requires export licensees to notify the Commission in advance before shipping nuclear equipment or material of Australian origin to a third country. The US/Australian Agreement for Cooperation concerning the Peaceful Uses of Nuclear Energy (the Agreement) became effective January 16, 1981. Article 5, paragraph 2 of the Agreement requires the United States to obtain the consent of Australian authorities before exporting nuclear material or equipment of Australian origin. The advance notification requirement contained in this final rule allows the US Government to assure proper compliance with this requirement.

Timetable: Next Scheduled Action: Final rule, September 1982.

TITLE: EXPORT/IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

Agency Contact: Marvin R. Peterson, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–4599.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 110.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2074, 42 U.S.C. 2077, 42 U.S.C. 2092, 42 U.S.C. 2094, 42 U.S.C. 2111, 42 U.S.C. 2112, 42 U.S.C. 2139, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: The proposed rule would simplify licensing requirements for the export of nuclear equipment and material that does not have significance from a nuclear proliferation perspective. The proposed rule would expand or establish general licenses for nuclear reactor components, gram quantities of special nuclear material, and certain kinds of source or byproduct material. The general licenses set out in the proposed regulations would ease current licensing restrictions by removing the requirement to obtain a specific export or import license for certain material and equipment. In addition, the proposed general licenses include a policy of facilitating nuclear cooperation with countries sharing U.S. non-proliferation goals. This would increase U.S. international commerce while maintaining adequate non-proliferation controls and would reduce the regulatory burden on the public and the NRC without increasing the risk to public health and safety or the common defense and security. The proposed amendment would reduce NRC's licensing workload for minor cases by about 75% thereby allowing the staff to process license applications for major exports of nuclear equipment and material quickly and expeditiously.

Timetable: Next Scheduled Action: Proposed rule, pending before the Commission.

TITLE: CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Agency Contact: Enrico Conti, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4320.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 140.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 2210, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: The proposed rule would revise the criteria the Commission currently follows in determining an extraordinary nuclear occurrence (ENO), in order to overcome the problems that were encountered following the Three Mile Island (TMI) accident when the present criteria were applied. The proposed criteria would focus on things that can be readily counted or estimated within a relatively short time following an accident (i.e., substantial release of radioactive material or radiation offsite and substantial exposure levels). The revised criteria will provide for speedy satisfaction of legitimate claims in the event of an ENO.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: CHANGES IN NUCLEAR ENERGY LIABILITY INSURANCE POLICIES

Agency Contact: Ira Dinitz, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–9884.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 140.

Legal Authority: 42 U.S.C. 2201.

Abstract: The final rule would amend 10 CFR Part 140 by removing Appendix A, "Form of Nuclear Energy Liability for Facilities," and by making the information contained in the Apendix available in the form of a Regulatory Guide. The final rule would ease the amendatory process and afford the licensee a greater degree of flexibility in meeting the financial protection requirements of the Price-Anderson Act.

Timetable: Next Scheduled Action: Final rule, December 1982.

TITLE: REVISION OF LICENSE FEE SCHEDULES

Agency Contact: William O. Miller, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–7225.

Effects on Small Businesses and other entities: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 170.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841, 42 U.S.C. 483.

Abstract: The proposed rule would adjust the NRC fee schedule to permit the NRC to charge fees for the actual cost incurred by the NRC to review license applications, renewals, amendments, etc. The new fee schedule would affect the licensing and inspection of nuclear power plants, other production or utilization facilities, vendors of nuclear power steam supply systems and materials, facilities engaged in uranium and plutonium fuel fabrication, uranium milling, leaching and refining operations, source material ore-buying and ion exchange activities, burial of radioactive waste, spent fuel cask and packaging approvals, and other users of critical quantities of special nuclear materials. The proposed rule would permit the NRC to charge fees for the actual costs incurred by the NRC to review license applications, renewals, amendments, etc. It incorporates the proposed new Category 11.F schedule of fees for materials licenses published in the **Federal Register** as a proposed rule on March 31, 1980 (45 FR 20899).

Timetable: Next Scheduled Action: Proposed rule pending Commission review.

[FR Doc. 82–27937 Filed 10–27–82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XLVIII

Securities and Exchange Commission

Regulatory Flexibility Agenda and Rules Scheduled for Review

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release No. 33-6427, 34-19076, 35-22646, 39-751, IC-12688 and IA-826; File No. S7-945]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Regulatory Flexibility Agenda and Rules Scheduled for Review.

SUMMARY: The Securities and Exchange Commission is today publishing, pursuant to Chapter Six of the Administrative Procedure Act and Office of Management and Budget Bulletin 82-16, an agenda of its regulations. The agenda is intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission is also publishing a list of rule reviews anticipated to be completed during the next twelve months. The Commission is seeking public comment on the various subject areas, on particular items of the agenda and on the identified rules scheduled for review.

DATE: Comments are due by December 31, 1982.

ADDRESSES: Persons wishing to submit written views should file four copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Room 6184, Washington, D.C. 20549. All submissions should refer to File No. S7-945 and will be available for public inspection at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: Joseph A. Meiburger, Jr., Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 450 5th Street, Room 7169, Stop 7-6, Washington, D.C. 20549 (202-272-7110). Additional names of persons to contact are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act ("RFA") (Pub. L. No. 96-354, 94 Stat. 1164 [September 19, 1980]) requires each federal agency during April and October of each year to publish in the **Federal Register** a regulatory flexibility agenda identifying any rules which the agency expects to propose or adopt which are likely to have a significant economic impact on a substantial number of small entities (the "significant impact criterion").[1] Part I of this agenda contains entries for all open and anticipated (within the next twelve months) rulemaking actions which may meet this criterion.

Pursuant to a separate requirement of the RFA,[2] the Commission published in June 1981 a plan for the periodic review of all rules issued by the agency which may have a significant economic impact upon a substantial number of small entities.[3] The plan provides for the review of all such rules in effect on January 1, 1981 within ten years of that date and for the review of such rules adopted thereafter within ten years of the publication of their adoption as final rules. The RFA further requires publication each year of a list of those rules which are to be reviewed during the succeeding twelve months.[4] The second part of the agenda contains these entries. Since the scope of the Commission's review of its rules extends beyond the requirements of the RFA, some rules listed in this part of the agenda may not be required to be reviewed, but the Commission is identifying them on the agenda in order to fully inform the public of its intention to review them. Part III of the agenda identifies actions and rule reviews which have been completed since the last RFA release was approved by the Commission on April 20, 1982 (Release No. 33-6397 [47 FR 18342]).

As provided by the RFA, the publication of this regulatory flexibility agenda does not preclude the Commission from considering or acting on any matter not included therein, nor is the Commission required to consider or act on any matter which is included therein.[5] Furthermore, the inclusion of a rule in the Commission's regulatory flexibility agenda reflects only the staff's preliminary judgment that the rule, if promulgated, may have a significant economic impact on a substantial number of small entities. This preliminary judgment may be changed upon further development and analysis.

The agenda which follows relies on the definitions of the term "small entity" for purposes of the RFA which were adopted by the Commission for the various categories of regulated entities.[6]

[1] 5 U.S.C. 602(a).
[2] 5 U.S.C. 610(a).
[3] See Securities Act Release No. 6362 (June 24, 1981) [46 Fr 33287].
[4] 5 U.S.C. 610(c).
[5] 5 U.S.C. 602(d).
[6] See Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

I. Open and Anticipated Rulemaking Actions

A. Disclosure Rules

1. Title: Proposed amendments to Item 402 of Regulation S-K, Management Remuneration and Transactions

Agency Contact: Susan Davis, Special Counsel or Arthur Miller, Attorney, Division of Corporation Finance (202) 272-2589.

Effects on Small Businesses: Undetermined.

CFR Citation: 17 CFR 229.402.

Legal Authority: Sections 6, 7, 8 and 19(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. 77f, 77g, 77h and 77s(a) and Sections 12, 13, 14, 15(d) and 23(a) of the Securities Exchange Act of 1934, ("Exchange Act"), 15 U.S.C. 78*l*, 78m, 78n, 78*o*(d) and 78w(a).

Abstract: The Commission intends to propose revisions to the provisions of Item 402 of Regulation S-K regarding disclosure of management remuneration. Currently, Item 402 requires detailed disclosure of the remuneration paid to each of a registrant's five most highly compensated executive officers and all officers and directors as a group. The revisions will simplify the disclosure provisions in order to enhance the utility to shareholders of remuneration disclosure and to reduce burdens on registrants. Among the alternatives being explored are the establishment of de minimis thresholds for certain forms of remuneration and streamlining the Remuneration Table, which requires complex tracking and valuation of numerous forms of compensation. It is expected that simplification of management remuneration disclosure provisions will reduce registrants' costs of preparing such disclosure. The percentage by which such costs are likely to be reduced will be better approximated after the proposals are formulated.

Timetable: NPRM [7] expected by December 31, 1982.

2. Title: Proposed Revision of Form S-14 and Other Forms and Rules Relating to Disclosure in Connection with Business Combination Transactions

Agency Contact: Robert Pincus, Attorney, Division of Corporation Finance, (202) 272-2589.

Effects on Small Businesses: Undetermined.

CFR Citation: 17 CFR 239.23.

[7] Notices of Proposed Rulemaking ("NPRM") contain new rule or rule amendment proposals and solicit public comment. Final Actions contain rules or amendments to be adopted as final rules.

Legal Authority: Sections 6, 7, 10 and 19(a) of the Securities Act, 15 U.S.C. 77f, 77g, 77j and 77s(a) and Sections 12, 13, 14, and 23(a) of the Exchange Act, 15 U.S.C. 78*l*, 78m, 78n and 78w(a).

Abstract: As part of its review of proxy rules, regulations, and schedules, the Commission intends to revise the disclosure requirements under the federal securities laws relating to mergers, acquisitions, and other business combinations, focusing primarily on Form S–14 (17 CFR 239.23). Form S–14 is used for the registration of securities in business combination transactions under Rule 145 (17 CFR 230.145). The Commission has found that in many cases the sheer volume of disclosure in connection with mergers, acquisitions and other business combinations tends to be confusing to security holders and burdensome for registrants to prepare. The Commission intends to revise the existing disclosure requirements of Form S–14 to provide streamlined, comprehensible disclosure to shareholders and to reduce compliance burdens on issuers consistent with the protection of investors. In developing proposals in this area and considering alternative approaches to the problem of reducing burdens while ensuring that sufficient information is available to security holders, the Commission will attempt to apply the techniques used in its integrated disclosure system, such as incorporation by reference and multiple document delivery. The proposed revisions are expected to benefit both issuers and investors and are not expected to result in significant additional burdens. A review of the rules and forms will be included in any rulemaking action.

Timetable: NPRM expected by March 31, 1983.

3. Title: Rule 12g3–2 Revision

Agency Contact: Ronald Adee, Special Counsel, Division of Corporation Finance, (202) 272–3250.

Effects on Small Businesses: Undetermined.

CFR Citation: 17 CFR 240.12g3–2.

Legal Authority: Section 12(g)(3) of the Exchange Act, 15 U.S.C. 78*l*.

Abstract: This rule, adopted under Section 12(g)(3) of the Exchange Act, exempts certain foreign private issuers from the Commission's periodic reporting requirements if they furnish the Commission with copies of material made public in the country of domicile. The rule was initially designed to apply to foreign private issuers that had not voluntarily entered the U.S. capital markets.

Changes in the structure of the over-the-counter markets, namely the advent of the NASDAQ quotation system, compel reconsideration of the rule because more foreign private issuers are now entering the U.S. capital markets by voluntarily listing their stocks on NASDAQ. One alternative being considered is making the exemptive provisions unavailable to issuers with securities quoted in NASDAQ. If it is retained or revised, the costs involved in compliance with the rule should be minimal because the rule relies solely on reports and documents required by foreign law or regulation.

Timetable: NPRM expected by October 31, 1982.

4. Title: Regulation 14A—Rules Relating to Proxy Contests

Agency Contact: William L. Larsen, Special Counsel; Division of Corporation Finance, (202) 272–2589.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 240.14a–1 through 14a–12, 14a–101 and 14a–102.

Legal Authority: Section 14(a) of the Exchange Act, 15 U.S.C. 78n(a).

Abstract: As part of its proxy review program, the Commission intends to review the rules governing proxy contests, which are contained in Regulation 14A, promulgated under Section 14(a) of the Exchange Act. Regulation 14A regulates the solicitation of proxies in regard to securities registered under Section 12 of the Exchange Act. In general, Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. This review focuses only on regulations concerning proxy contests. Rules 14a–3 through 14a–10 prescribe certain filing, dissemination and disclosure requirements with respect to all proxy solicitations, including proxy contests. Rule 14a–11 prescribes special requirements relating only to contested elections of directors. The number of proxy contests has risen in recent years and the rules relating to them have not been reexamined in some time. The Commission's goal in this review is to make sure that the rules pertaining to proxy contests still operate effectively in addressing this dynamic area, thus benefitting shareholders and issuers.

Timetable: NPRM expected by December 31, 1982.

5. Title: Recommendations of the Advisory Committee on Shareholder Communications

Agency Contact: Catherine C. McCoy, Assistant Chief, Division of Corporation Finance, (202) 272–2589.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 240.14a–3(d), 14a–3(b) and 14b–1.

Legal Authority: Section 14 of the Exchange Act, 15 U.S.C. 78n.

Abstract: The Commission established the Advisory Committee on Shareholder Communications in April 1981 for the purpose of exploring the possibilities for improving the process by which issuers communicate with the beneficial owner of securities registered in the name of a broker-dealer, bank or other nominee. The Committee met nine times between May 1981 and May 1982 and presented the Division of Corporation Finance with a Report in June 1982. The Committee's Report, "Improving Communications Between Issuers and Beneficial Owners of Nominee Held Securities", includes a number of recommendations for improving the existing proxy distribution process, improving the existing proxy voting process, improving dissemination of interim reports and other shareholder communications, and providing a means for issuers to identify beneficial owners. Pursuant to Section 14 of the Exchange Act, the Commission may propose certain of the Committee's recommendations for public comment to obtain the views of the public on the potential efficacy of the recommendations and their costs and benefits.

Timetable: NPRM expected by December 31, 1982.

B. Securities Markets and Securities Industry Rules

1. Title: Rule 10b–10—Confirmation of Transactions

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272–2844.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 240.10b–10.

Legal Authority: Sections 3, 10, 11, 15, 17 and 23 of the Exchange Act, 15 U.S.C. 78c, 78j, 78k, 78*o*, 78q, and 78w.

Abstract: The Commission proposed an amendment to the confirmation rule, Rule 10b–10, that would permit broker-dealers to send one monthly statement for certain transactions in "account management plans", instead of individual confirmations. Accordingly, customers would continue to have the

benefit of essential account information, but at a significantly reduced cost to the broker-dealer. In addition, the Commission proposed an amendment to Rule 10b–10 to require yield and call disclosure that is intended to assure that investors receive important information in connection with debt securities transactions. Alternative forms of disclosure suggested by the securities industry were considered. Yield disclosure may require some new compliance procedures for preparing confirmations, but that impact will be substantially reduced by current compliance with similar Municipal Securities Rulemaking Board rules. The Commission will consider public comment on the proposed amendments, including comments on the impact on small entities, in connection with consideration of whether to adopt the amendments.

Timetable:

NPRM Release No. 34–18988 (August 20, 1982); 47 FR 37920 (August 27, 1982).

Comments August 20, 1982–November 1, 1982.

Final Action expected by June 30, 1982.

2. Title: Proposed Rules 11A–1[A] and [B]

Agency Contact: William W. Uchimoto, Staff Attorney, Division of Market Regulation, (202) 272–2409.

Effects on Small Business: Yes.

CFR Citation: 17 CFR 240.11A–1 [A] and [B].

Legal Authority: Sections 3, 6, 9, 10, 11, 11A, 15A, 17 and 23 of the Exchange Act, 15 U.S.C. 78b, 78c, 78f, 78i, 78k, 78k–l, 78*o*, 78*o*–3, 78q and 78w.

Abstract: In connection with the partial removal of exchange off-board trading restrictions through Rule 19c–3, the Commission has proposed three alternatives to address order exposure problems or "internalization." The first alternative would defer action until internalization caused demonstrable harm. The second alternative, proposed Rule 11A–1[A], would require over-the-counter market makers in Rule 19c–3 securities, prior to executing an order as principal, to hold the order out for a period of time, thereby allowing other market makers to compete for that order. Alternatively, this proposed rule would permit the market maker to compete for order by maintaining competitive quotations in the Computer Assisted Execution System ("CAES"), and routing orders to CAES. The third alternative, proposed Rule 11A–1[B] would extend the requirements to all market makers in Rule 19c–3 securities. The Commission will consider public comment on the impact of the proposed rules on small broker-dealers in connection with its final rulemaking.

Timetable:

NPRM Release No. 34–18738 (May 13, 1982).

47 FR 22376 (May 24, 1982).

Comments May 13, 1982–July 23, 1982.

Final Action expected by June 30, 1983.

3. Title: Proposed Rule 15b7–1—Minimum Qualification Standards for Non-Member Broker-Dealers and Associated Persons

Agency Contact: Kathleen McGann, Senior Special Counsel, Division of Market Regulation, (202) 272–2403.

Effects on Small Business: Yes.

CFR Citation: 17 CFR 240.15b7–1.

Legal Authority: Sections 15(b)(7), 17(a) and 23, of the Exchange Act, 15 U.S.C. 78*o*(b)(7), 78q, and 78w.

Abstract: Associated persons of SECO broker-dealers are currently subject to examination and filing requirements under Rule 15b8–1. Under the proposal, Rule 15b7–1 would replace Rule 15b8–1 and upgrade the qualification standards applicable to SECO broker-dealers to parallel those of the NASD. The Commission considered exempting small broker-dealers from the rule, but instead modified the proposal to lessen the requirements applicable to small entities. The proposed examination fee would be approximately $40 and the filing fee would be $50. There are also costs involved in preparing for the examination and filling out the form. The benefits to the public are difficult to quantify. Qualification examinations help ensure that new entrants to the securities business understand the securities laws and are aware of their obligations to their customers. The benefits of the filing requirement include better surveillance of the activities of SECO broker-dealers.

Timetable:

NPRM Release No. 34–18710 May 4, 1982; 47 FR 20783 May 14, 1982.

Comments May 4, 1982–July 1, 1982.

Final Action expected by January 1, 1983.

C. Investment Management Rules

1. Title: Amendment to Rule 180—Exemption from Registration of Certain Interests and Participations in Certain H.R. 10 Plans

Agency Contact: Elizabeth K. Norsworthy, Special Counsel, Division of Investment Management, (202) 272–2048.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 230.180.

Legal Authority: 15 U.S.C. 77a–77aa.

Abstract: Rule 180 provides an exemption from the registration requirements of the Securities Act for interests and participations issued in connection with certain qualified H.R. 10 plans. In order for interests in funding media issued to plans established by financially inexperienced employers to qualify for the rule's exemption, the rule, as adopted, requires those employers to obtain financial advice from an independent expert prior to adopting the H.R. 10 plan. Among other things, the Commission is considering proposing an amendment to Rule 180 that would codify a present "no-action" position regarding the situation where a financially unsophisticated employer has already established a plan for its employees without obtaining advice from an independent expert, and intends either to change the funding medium or add another funding medium to the choices already available to employees. The issuer of the funding medium in such a case would be in compliance with the rule if the issuer has reasonable grounds to believe and, after having made reasonable inquiry, does believe, that an independent financial expert reviewed the funding medium prior to the investment of the plan's assets in that funding medium.

The type of amendment being considered would impose no additional compliance cost, and would increase the flexibility of existing plans and the number of investment choices available to participating employees.

Timetable: NPRM expected by May 13, 1983.

2. Title: Regulation E Exemption for Securities of Small Business

Agency Contact: Aviva L. Grossman, Division of Investment Management, (202) 272–7321.

Effects on Small Business: Yes.

CFR Citation: 17 CFR 230.601 through 17 CFR 230.610(a).

Legal Authority: Section 3(c) and Section 19(a) of the Securities Act, 15 U.S.C. 77c(c) and 77s(a).

Abstract: Regulation E exempts from registration, subject to certain terms and conditions, securities issued by any small business investment company which is licensed as such (or has a license application pending) under the Small Business Investment Act of 1958 and registered under the Investment Company Act of 1940 ("Investment Company Act"). The Commission is considering amending Regulation E to further reduce the regulatory burden on small business investment company issuers. Any such amendments would generally have the effect of paralleling

amendments made to Regulation A in September 1978 (*See*, Securities Act Release No. 5977, September 11, 1978, [43 FR 41383, September 18, 1978]).

No method currently exists to quantify the costs to the small business investment company industry of complying with an amended Regulation E. However, to the entent that any such amendments make Regulation E available to more issuers, the staff is of the opinon that the benefits of complying with amended Regulation E would far outweigh the costs to such issuers of registration under the Secrities Act.

With respect to the costs imposed on the Commission by virtue of Regulation E. amendments, the staff believes that the costs associated with proposed Regulation E amendments would be negligible.

Timetable: NPRM expected by December 31, 1982.

3. Title: Prospectus Simplification Amendments to Form N-1

Agency Contact: Jane Kanter, Division of Investment Management, (202) 272-2115.

Effects on Small Business: Yes.

CFR Citation: 17 CFR 239.15 and 17 CFR 274.11.

Legal Authority: Section 8 of the Investment Company Act, 15 U.S.C. 80a-8, and Sections 7 and 10 of the Securites Act, 15 U.S.C. 77g and 77j.

Abstract: Form N-1 is the registration statement form under the Investment Company Act and the Securities Act for open-end management investment companies. Included within the registration statement are the companies' prospectuses used in offering their securities to the public. The Commission believes a simplified prospectus is necessary because current prospectuses have become too cumbersome for the average investor to understand and because current requirements results in the disclosure of much information that is not necessarily material to an investment decision. Simplification will, therefore, make disclosure easier for investors to understand and reduce the costs and burdens of preparing and distributing prospectuses.

There does not currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. The contemplated amendments are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the simplification of investment companies' prospectuses actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Timetable: NPRM expected by December 31, 1982.

4. Title Amendment of Rule 2a-5—Certain Persons Not Deemed Interested Persons

Agency Contact: Brian M. Kaplowitz, Division of Investment Management, (202) 272-3027.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 270.2a-5.

Legal Authority: Investment Company Act Sections 6(c) and 38(a), 15 U.S.C. 80a-6(c) and 80a-37(a).

Abstract: The Commission is considering whether to propose an amendment to Rule 2a-5 under the Investment Company Act. Rule 2a-5 presently affords a narrow exemption from that part of Section 2(a)(19) of the Act which defines as an interested person of another person any broker or dealer registered under the Exchange Act or any affiliated person of such a broker or dealer. The Commission will consider rulemaking that would broaden that exemption while still providing protection to investors. This would benefit regulated investment companies by increasing the pool from which directors may be chosen without contravention of, *inter alia*, Section 10d(a) of the Act, which governs the composition of investment companies boards of directors. The conditions set forth in the proposed rule will be those that the Commission believes necessary to protect investors and implement the policies of the Act. A potential cost of the amendment under consideration would be a requirement that the board of directors of any affected investment company determine that such company would not be adversely affected by compliance with the amended rules's conditions; the time involved is such a determination may be viewed as a cost. It is believed, however, that these costs would be far outweighed by the benefits of the suggested amendment including alleviating the need for investment companies to formally apply for Commission exemptive orders in situations addressed by the rule. As is presently the case, investment companies would still be able to seek exemptive orders, notwithstanding the existence of a generic rule.

Timetable: NPRM expected by December 31, 1982.

5. Title: Proposed Rule 3a-4—Individualized Investment Management Services

Agency Contact: Elizabeth K. Norsworthy, Special Counsel, Division of Investment Management, (202) 272-2048.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 270.3a-4.

Legal Authority: 15 U.S.C. 80a-6(c) and 15 U.S.C. 80a-37(a) Sections 6(c) and 38(a) of the Investment Company Act.

Abstract: In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479) the Commission proposed for public comment Rule 3a-4, which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Act. The rule provides a "safe harbor" for any investment manager providing its clients with treatment based on the needs and goals of each client. Under such circumstances, regulation of investment management services under the Act appears unnecessary.

The proposed rule was intended to clarify the Commission's position on the question of "miniaccounts" by providing a safe harbor for certain investment management services and thereby provide some certainty to the public. The Commission does not expect any final action taken on the proposal to significantly affect the cost of providing investment management services. The public comment letters on the proposal have been reviewed and alternatives for final action are being formulated.

Timetable:

NPRM Release No. IC-11391, October 10, 1980; 45 FR 69479 (October 21, 1980).

Comments October 10, 1980-January 31, 1981.

Final Action expected by January 31, 1983.

6. Title: Amendment to Rule 6c-1—Exemption for Subsidiaries Organized to Finance the Operations of Domestic or Foreign Companies

Agency Contact: Bruce S. Mendelsohn, Division of Investment Management, (202) 272-2048.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 270.6c.1.

Legal Authority: 15 U.S.C. 80a-6(c) and 15 U.S.C. 80a-37(a) Sections 6(c) and 38(a) of the Investment Company Act.

Abstract: In Investment Company Act Release No. IC-12679 (September 22, 1982) the Commission proposed for public comment a comprehensive revision of Rule 6c-1 under the Act. The recommended amendments would greatly expand Rule 6c-1 to exempt from all provisions of the Act certain

finance subsidiaries of United States and foreign private issuers. An exemptive rule is the least burdensome method available to accomplish the proposed amendment's objectives. An unconditional exemption, however, would be inconsistent with the public interest standard set forth in Section 6(c) of the Act and therefore the Commission has proposed certain conditions it believes are necessary and appropriate to fulfill the statutory requirements. The proposed rule would reduce the compliance burden faced by covered finance subsidiaries by obviating the need for them to file exemptive applications. The application procedure, of course, would still be available notwithstanding the rule's existence.

Timetable:

NPRM Release No. IC–12679 (September 22, 1982).

Comments September 22, 1982–November 5, 1982.

Final Action expected by February 28, 1983.

7. Title: Proposed Rules 11a–3 and 11a–4 Under the Investment Company Act

Agency Contact: Elizabeth K. Norsworthy, Special Counsel, Division of Investment Management, (202) 272–2048.

Effect on Small Business: Undetermined.

CFR Citation: 17 CFR 270.11a–3 and 17 CFR 270.11a–4.

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–11(a); and 15 U.S.C. 80a–37(a).

Abstract: The Commission is considering whether to propose a Rule 11a–3 and a Rule 11a–4 which would exempt certain persons from the requirements of Section 11(a) of the Investment Company Act. That section generally prohibits any registered open-end investment company and the principal underwriter of its shares from making an offer to a shareholder to exchange his security for another security on any basis other than the net asset values of the securities to be exchanged without approval of the Commission. Section 11(c) extends the prohibitions of Section 11(a) to offers of the securities of unit investment trusts. The Commission has issued numerous orders permitting open-end management companies and the principal underwriter(s) of their shares to make exchange offers on the basis of the relative net asset value of the securities being exchanged *plus* a sales load equal to the difference between the sales load which would otherwise be charged on the securities to be acquired and on the securities to be exchanged. The Commission has also issued orders permitting unit investment trusts and their sponsors to make offers of exchange based on the relative net asset value of the respective securities *plus* a fixed fee to cover expenses. The proposed rules would codify such orders (Rule 11a–3 for management companies; rule 11a–4 for unit investment trusts) thereby eliminating the cost for small companies of preparing applications seeking the orders. Thus, the proposed rules would have a beneficial economic impact on such companies.

The proposed rules would contain several conditions to assure the protection of investors. Any such conditions would be included in the rule in order to adequately protect investors against the abuses addressed by Section 11.

Timetable:

NPRM expected by May 31, 1983.

8. Title: Proposed Rule 17a–9 Under the Investment Company Act

Agency Contact: Bruce S. Mendelsohn, Division of Investment Management, (202) 272–2048.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 270.17a–9.

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–17(b); and 15 U.S.C. 80a–37(a).

Abstract: The Commission is considering whether to propose a Rule 17a–9 which would exempt certain persons from the requirements of Section 17(a) of the Investment Company Act. That section, in pertinent part, prohibits any affiliate of an investment company, or any affiliate of such a person, from selling a security to such company unless the sale has been approved by the Commission. Section 2(a)(3) of the Act defines an affiliate of an investment company to include any person that owns directly or indirectly 5% or more of the company's securities and any person acting as the company's investment adviser. In some situations, a bank, as trustee, may own 5% or more of the securities of a mutual fund or money market fund. In other cases, a bank may act as investment adviser for or have some other association with one or several of, but not all, the funds in a complex. In either of these situations, Section 17(a) would prohibit the affiliated bank from selling certificates of deposit or other investments issued by it to the fund or to a sister fund unless the Commission has issued an order under Section 17(b) of the Act permitting the transaction. It has been suggested that these situations may occur more frequently and that it is possible to devise a rule to permit the sale of such securities under conditions designed to assure that the statutory standards of Section 17(b) of the Act are met. The Commission is considering the suggestion but has not yet determined whether it is necessary and appropriate for it to propose a rule. If it were to propose such an exemptive rule, the rule would eliminate the cost of seeking exemptive relief through the preparation and filing of applications. It is not known at this time what, if any, compliance requirements would be contained in the rule, or what cost might be incurred as a result of complying with such requirements. Any compliance requirements ultimately proposed would be those the Commission believes necessary to protect investors and implement the policies of the Act.

Timetable: NPRM expected by May 31, 1983.

9. Title: Proposed Amendment to Rule 17g–1 Under the Investment Company Act

Agency Contact: Arthur E. Dinerman, Division of Investment Management, (202) 272–2048.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 270.17g–1.

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–17(g); and 15 U.S.C. 80a–37(a).

Abstract: The Commission is considering whether to adopt an amendment to Rule 17g–1 under the Investment Company Act. The amendment was proposed for public comment in Investment Company Act Release No. 11193 (June 2, 1980) [45 FR 38407]. Rule 17g–1 requires every registered investment company to provide and maintain a bond against larceny and embezzlement covering officers and employees of the company. In some circumstances, the officers and employees of a company's depositor, trustee, investment adviser or other manager and various affiliates of such persons, because they have access to the company's assets, function as officers and employees of the investment company. The proposed amendment to the rule would clarify the scope of the rule by explicitly requiring the bonding of such persons.

The principal cost associated with this rule would be the cost of a bond. That cost would vary according to the persons required to be bonded by the rule. In this regard, before adopting any amendment to the rule, the Commission will carefully consider what persons should be bonded to protect investors adequately, weighing the benefits of the protection against the cost of a bond.

Timetable: Final Action expected August 31, 1983.

10. Title: Proposed Rule 22d–6 Under the Investment Company Act

Agency Contact: Jeffrey Puretz, Esq., Division of Investment Management, (202) 272–2048.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 270.22d–6.

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–37(a).

Abstract: The Commission is considering whether to propose a Rule 22d–6, which would exempt certain persons from the provisions of Section 22(d) of the Investment Company Act. That section generally requires that redeemable securities issued by investment companies to be sold to the public only at a current public offering price described in the prospectus. In recent years, investment companies have requested an increasingly greater number of orders of exemption from the section. The costs to companies filing such requests and to the Commission processing them have been substantial. The proposed rule, which would permit an investment company and its underwriters to decide to vary the price of securities being offered (including allowing dealers to negotiate the sales loads) without first obtaining Commission approval, would benefit companies by eliminating this cost. This benefit would probably be greater for small companies than for large companies for whom such an expense is less in proportion to assets.

The proposed rule would permit greater competition in the pricing of investment company shares. That competition may have a significant impact on small companies and broker-dealers, although the nature and degree of that impact are impossible to determine at this time. Any assessment of benefit or cost to small entities from price competition would be complicated by the complexities of the market in which investment company shares are sold. That market is constantly influenced by changes in the economy, interest rates and investor attitudes.

While alternatives to the proposed rule might contain fewer provisions, conditions included in the proposed rule will be those that the Commission believes necessary to satisfy the statutory test forth in Section 6(c) of the Act that "such exemption (be) necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act".

The proposed rule could have codified past orders of exemption from Section 22(d) and not have permitted negotiated sales loads, but that alternative would have limited the flexibility and freedom of investment companies to compete in today's market against issuers of other investment products, such as stocks and variable annuities, that are sold at negotiated fees.

Timetable: NPRM expected by December 31, 1982.

11. Title: Rule 204–2 Under Investment Advisers Act of 1940 ("Adviser's Act")—Books and Records to be Maintained by Investment Advisers

Agency Contact: Arthur E. Dinerman of Mary S. Champagne, Division of Investment Management, (202) 272–2079.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 275.204–2.

Legal Authority: Sections 204 and 211 of the Advisers Act, 15 U.S.C. 80b–4 and 80b–11.

Abstract: The rule requires a registered investment adviser to make and keep true, accurate, and current certain books and records relating to its investment advisory business. Such records enable the Commission's examination personnel to review the investment adviser's activities to determine whether they are fulfilling their responsibilities to their clients and complying with the relevant provisions of the Federal securities laws and the rules thereunder. Inasmuch as most investment advisers, as a matter of sound business practice, are likely to maintain books and records substantially similar to those required by the rule, the incremental costs of compliance are minimal. However, the rule is being reviewed to determine whether there are any unnecessary provisions which can be deleted or unduly complex provisions which can be simplified. These revisions, which are the product of the first comprehensive review the rule has received since it was adopted in 1962, would also reflect changes in the nature of the investment advisory business since adoption of the rule and the experience of the Commission's staff in conducting its inspection program. The revisions are intended to reduce the already minimal incremental costs an investment adviser incurs in complying with the rule. The revisions are intended to result in recordkeeping rules which are easier to comply with and which permit the Commission's staff to conduct inspections of investment advisers more quickly and efficiently. Those recordkeeping requirements remaining in the rule will be those the Commission believes necessary for the protection of investors.

Timetable: NPRM expected by March 31, 1983.

II. Rules Scheduled For Review

A. Accounting Rules

1. Title: Financial Statement Requirements for Insurance Companies

Agency Contact: M. Elizabeth Rader, Professional Accounting Fellow, Office of the Chief Accountant, (202) 272–2130.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 210.7–01 to 210.7–05; 210.11–15; 210.12–16 and 210.12–17.

Legal Authority: Sections 7, 8 and 19(a) of the Securities Act 15 U.S.C. 77g, 77h and 77s(a) and Sections 12, 13, 15d and 239a) of the Exchange Act, 15 U.S.C. 78*l*, 78m, 78*o*(d) and 78(w).

Abstract: Uniform accounting and financial statement rules are needed to facilitate the financial analysis of alternative investments. Regulation S–X contains these rules of the Commission. Article 7 of Regulation S–X is intended to assure a degree of uniformity in the presentation of financial statements and schedules to those financial statements by insurance companies that file with the Commission.

Timetable: Rule Review expected by February 28, 1983.

2. Title: Financial Statement Requirements for Registered Investment Companies

Agency Contact: Clarence Staubs, Assistant Chief Accountant; Office of the Chief Accountant, (202) 272–2130.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 210.6–01 to 210.6–34; 219.12–13; 210.12–19; and 210.12–20.

Legal Authority: Sections 7, 8 and 19(a) of the Securities Act, 15 U.S.C. 77g, 77h and 77s(a); Sections 12, 13, 15d and 23(a) of the Exchange Act, 15 U.S.C. 78*l*, 78m, 78*o*(d); 78w; and Sections 8, 30(d), 31(c), and 38(a) of the Investment Company Act, 15 U.S.C. 80a–8, 80a–29(d), 80a–30(c), and 80a–37(a).

Abstract: Article 6 of Regulation S–X is intended to assure a degree of uniformity in the presentation of financial statements and schedules to those financial statements by registered investment companies. Article 6 is being reviewed as a part of the evaluation of amendments to Article 6 announced in Securities Act Release No. 6374 (January 11, 1982) [47 FR 2776] that were proposed to revise that article to (1) eliminate rules which are duplicative of

generally accepted accounting principles, (2) effect changes which recognize current industry practices, and (3) integrate and simplify the rules to improve financial reporting.

Timetable:

NPRM Release No. 33–6374 (January 11, 1982); 47 FR 2776 (January 19, 1982).

Comments January 11, 1982–April 30, 1982.

Final Action October 31, 1982.

Rule Review January 31, 1983.

3. Title: Supplemental Disclosures of Oil and Gas Producing Activities

Agency Contact: M. Elizabeth Rader, Professional Accounting Fellow; Office of the Chief Accountant; (202) 272–2130.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 210.4–10(k).

Legal Authority: Sections 7, 8, and 19(a) of the Securities Act, 15 U.S.C. 77g, 77h, and 77s(a); Sections 12, 13, 15d and 23(a) of the Exchange Act, 15 U.S.C. 78*l*, 78m, 78*o*(d), 78(u); and Section 503 of the Energy Policy and Conservation Act of 1975, 42 U.S.C. 6383.

Abstract: Rule 4–10(k) of Regulation S–X requires supplemental disclosures about the value of oil and gas reserves. In Securities Act Release No. 6412 (June 24, 1982) [47 FR 28684] the Commission proposed amendments to this rule to require compliance with the provisions of a statement of financial accounting standards which the Commission expects will be issued by the Financial Accounting Standards Board during the fall, 1982.

Timetable:

NPRM Release No. 33–6412 January 24, 1982; 47 FR 28684 July 1, 1982.

Comments June 24, 1982–August 31, 1982.

Final Action December 31, 1982.

Rule Review February 28, 1983.

4. Title: Financial Statement Requirements for Bank Holding Companies

Agency Contact: Marc D. Oken or Edmund Coulson, Office of the Chief Accountant, (202) 272–2130.

Effects on Small Business: Undetermined.

CFR Citation 17 CFR 210.9–01 to 210.9–05.

Legal Authority: Section 7, 8 and 19(a) of the Securities Act, 15 U.S.C. 77g, 77h, and 77s(a); and Sections 12, 13, 15d and 23(a) of the Exchange Act, 15 U.S.C. 78*l*, 78m, 78*o*(d), 78w.

Abstract: Article 9 of Regulation S–X is intended to assure a degree of uniformity in the presentation of financial statements by bank holding companies that file with the Commission. In Securities Act Release No. 6417 (July 9, 1982) (47 FR 22158), the Commission proposed to revise Article 9 in connection with its efforts to integrate and update its rules and eliminate rules which are duplicative of generally accepted accounting principles.

Timetable:

NPRM Release No. 33–6417 (July 9, 1982); 47 FR 32158 (July 26, 1982).

Comments July 9, 1982–September 30, 1982.

Final Action December 31, 1982.

Rule Review December 31, 1982.

B. Disclosure Rules

1. Title: Regulation 14A—Solicitation of Proxies

Agency Contact: William L. Larsen, Division of Corporation Finance, (202) 272–2589.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 240.14a–1 through 240.14a–12, 240.14a–101 and 240.14a–102.

Legal Authority: Sections 14(a) and 23(a) of the Exchange Act, 15 U.S.C. 78n(a) and 78w(a).

Abstract: Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. Regulation 14A consists of twelve rules and Schedules 14A and 14B. These provisions contain requirements regarding disclosures in, and dissemination and filing of, proxy solicitations with respect to a security registered pursuant to Section 12 of the Exchange Act, opposition solicitations with respect to the election of directors and annual reports to security holders accompanying or preceding a proxy solicitation with respect to a security registered pursuant to Section 12 of the Exchange Act. This regulation is being reviewed in conjunction with the Commission's examination of its proxy rules and will encompass any provisions not specifically covered in other related proxy review projects. The review will attempt to identify ineffective or outmoded rules and, as appropriate, rescind or replace such rules with alternatives designed to maximize shareholder protection while minimizing burdens on registrants.

Timetable: Rule Review March 31, 1983.

2. Title: Regulation 14C—Distribution of Information Pursuant to Section 14(c)

Agency Contact: William L. Larsen, Special Counsel, Division of Corporation Finance, (202) 272–2589.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 240.14c–1 through 240.14c–7 and 240.14c–101.

Legal Authority: Sections 14(c) and 23(a) of the Exchange Act, 15 U.S.C. 78n(a) and 78w(a).

Abstract: Regulation 14C consists of seven rules and schedule 14C, which contain requirements as to the dissemination, content and filing of information statements in connection with annual or other meetings of holders of securities registered pursuant to Section 12 of the Exchange Act and annual reports to security holders accompanying or preceding such information statements. The Rules are intended to enable security holders to make informed voting decisions in any matters to be acted upon at annual or other meetings in those situations where proxies are not being solicited. This regulation is being reviewed in conjunction with the Commission's examination of its proxy rules. The review will attempt to identify ineffective or outmoded rules and, as appropriate, rescind or replace such rules with alternatives designed to maximize shareholder protection while minimizing burdens on issuers. The review also will update rules where necessary to accord with changes in state law.

Timetable: Rule Review March 31, 1983.

C. Securities Markets and Securities Industry Rules

1. Title: Rule 15b1–1—Application for Registration of Broker or Dealer

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272–2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b1–1; 17 CFR 249.501; 17 CFR 249.510.

Legal Authority: Sections 15(b), 17(a) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b), 78q(a), 78w(a).

Abstract: Rule 15b1–1 provides that an application for registration as a broker or dealer must be filed on Form BD. The information required to be disclosed on Form BD is necessary for the Commission to determine whether registration as a broker or dealer should be granted and to furnish information to public investors. The Commission is at the initial stages of its review of this rule and has not arrived at its final conclusions or recommendations with respect to this rule. Accordingly, it remains to be considered what the potential costs and benefits of any recommended changes will be, as well as possible alternatives.

Timetable: Rule Review December 31, 1982.

2. Title: Rule 15b1–3—Registration of Successor to Registered Broker or Dealer

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272–2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b1–3.

Legal Authority: Sections 15(b) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b) and 78q(a), 78w(a).

Abstract: Rule 15b1–3 permits an unregistered broker-dealer who succeeds to the business of an existing registered broker-dealer to continue the business of its predecessor for 75 days if an application for registration is filed within 30 days of the date of succession. Without the rule, the successor could not continue the business of its predecessor until the successor's registration as a broker-dealer had been approved by the Commission. The Commission is at the initial stages of its review of this rule. Consequently, any alternatives, as well as their potential costs and benefits, have yet to be considered.

Timetable: Rule Review December 31, 1982.

3. Title: Rule 15b1–4—Registration of Fiduciaries

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272–2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b1–4.

Legal Authority: Sections 15(b)(2)(A) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b)(2)(A) and 78w(a).

Abstract: Rule 15b1–4 permits a court appointed or qualified fiduciary who succeeds to the business of a registered broker-dealer to assume responsibility immediately for the operation of the broker-dealer's business if the fiduciary files a statement with the Commission within 30 days of the date he assumes his duties. Without the rule, the fiduciary could not assume operational responsibility for the broker-dealer until his registration with the Commission has become effective. The Commission is at the initial stages of its review of this rule. Accordingly, possible alternatives to the rule, as well as potential costs and benefits of any recommended changes, have yet to be considered.

Timetable: Rule Review December 31, 1982.

4. Title: Rule 15b1–5—Consent to Service of Process to be Furnished by Non-resident Brokers or Dealers and by Non-resident Partners or Managing Agents of Brokers or Dealers

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272–2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b1–5.

Legal Authority: Sections 15(b) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b) and 78w(a).

Abstract: The rule requires non-resident broker-dealers to submit forms stating that they consent to service of process with respect to causes of action arising under the federal securities laws and irrevocably give a power of attorney designating the Commission as the non-resident's agent for service of process. This consent is necessary to assure that the Commission, the investing public, and members of the securities industry are able to obtain service on such non-residents. The Commission is at the initial stages of its review of this rule. Consequently, any potential alternatives, as well as their costs and benefits, have yet to be considered.

Timetable: Rule Review December 31, 1982.

5. Title: Rule 15b2–1—Adoption of Application Filed by Predecessor

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272–2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b2–1.

Legal Authority: Sections 15(b)(2)(a) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b)(2)(A), 78w(a).

Abstract: Rule 15b2–1 permits an application for registration as a broker-dealer to be filed on behalf of a corporation or partnership (the "successor") by a predecessor and permits the successor to adopt that application as its own, thereby facilitating registration and reducing the paperwork associated with registering successor brokerage firms. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives to the rule, as well as their costs and benefits, have yet to be considered.

Timetable: Rule Review December 31, 1982.

6. Title: Rule 15b3–1—Amendments to Application

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272–2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b3–1.

Legal Authority: Sections 15(b) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b) and 78w(a).

Abstract: Amendments to Form BD are needed in order to maintain the accuracy of the broker-dealer application. Form BD provides general information about the broker-dealer which is useful for the Commission and public investors. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives, as well as their costs and benefits, have yet to be considered.

Timetable: Rule Review December 31, 1982.

7. Title: Rule 15b6–1—Withdrawal from Registration

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272–2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b6–1.

Legal Authority: Sections 15(b) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b) and 78w(a).

Abstract: This rule addresses the situation in which a broker or dealer wishes to withdraw its registration under the Exchange Act. Form BDW is needed to determine whether it is in the public interest to permit a broker or dealer to withdraw its registration and thus no longer be subject to regulation by the Commission, and to provide certain information to the public. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives, as well as their costs and benefits, have yet to be considered.

Timetable: Rule Review December 31, 1982.

8. Title: Rule 15b5–1—Extension of Registration for Purposes of the Securities Investor Protection Act of 1970 after Cancellation or Revocation

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272–2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b5–1.

Legal Authority: Section 15(b) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b), 78w(a).

Abstract: This rule extends the effective date of the cancellation or revocation of a broker's or dealer's registration for six months for purposes of applying certain sections of the SIPA to customer claims arising prior to the date of revocation or cancellation. The rule is necessary to allow SIPC to protect customers for six months beyond the effective date of cancellation or

revocation. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives, as well as their costs and benefits, have yet to be considered.

Timetable: Rule Review December 31, 1982.

9. Title: Securities Exchange Act Rule 10b–8—Distributions Through Rights

Agency Contact: John B. Manning, Jr., Division of Market Regulation, (202) 272–2874.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.10b–8.

Legal Authority: Sections 3(b), 9(a)(6), 10(b) and 12(a) of the Exchange Act, 15 U.S.C. 78c, 78i(a)(6), 78j(b) and 78*l*(a).

Abstract: Rule 10b–8 applies to any person participating in a distribution of securities being offered through rights issued on a pro-rata basis to holders of a security. In order to prevent manipulative or deceptive acts and practices, its provisions regulate the price at which a participant in the distribution may sell the underlying security, and the conditions under which and the prices at which bids for and purchases of rights may be made. The staff is currently reviewing comprehensive proposed amendments to another rule within its jurisdiction, Rule 10b–6. In view of the extensive amount of staff time and resources devoted to the proposed revisions to Rule 10b–6 and in view of he potential impact such revisions may have on Rule 10b–8, comprehensive review of Rule 10b–8 must be temporarily postponed. Accordingly, alternatives to the rule, as well as their costs and benefits, will be considered at a later date.

Timetable: Rule Review during 1983.

10. Title: Rule 17f–2—Fingerprinting of Securities Industry Personnel

Agency Contact: Ester Saverson, Jr., Division of Market Regulation, (202) 272–2374.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.17f–2.

Legal Authority: Sections 17(a), 17(f), and 23(a) of the Exchange Act, 15 U.S.C. 78q(a), 78q(b) and 78w(a).

Abstract: Rule 17f–2 requires that securities professionals be fingerprinted. This requirement serves (1) to identify security risk personnel; (2) to allow all employers to make fully informed employment decisions; and (3) to deter possible wrongdoers from seeking employment in the securities industry. The Commission has proposed for comment amendments to Rule 17f–2 designed to simplify (1) the procedure to claim certain exemptions from the fingerprinting requirement; and (2) the maintenance and storage of records required to be kept under Rule 17f–2. Securities Exchange Act Release No. 18645 (April 14, 1982). These amendments, if adopted, will save the securities industry approximately $100,000 annually.

Timetable: Rule Review December 31, 1982.

11. Title: Rule 15b8–1—Qualification and Fees Relating to Brokers and Dealers Who Are Not Members of a National Securities Association

Agency Contact: Dean Shahinian, Division of Market Regulation, (202) 272–2388.

Effects on Small Business: Yes.

CFR Citation: 17 CFR 240.15b8–1.

Legal Authority: Sections 15(b)(7), 17(a) and 23 of the Exchange Act, 15 U.S.C. 78*o*(b)(7), 78q, and 78w.

Abstract: Rule 15b8–1 requires all persons associated with SECO broker-dealers to pass qualification examinations before engaging in securities activities and requires all SECO broker-dealers to file a Form U–4 for each associated person before that person engages in securities activities and to file a list on or before July 31 of each year of persons who have ceased to be associated with the firm. The rule was adopted in response to a Congressional directive to establish standards of competence for SECO broker-dealers. The Commission is considering rescinding Rule 15b8–1 and replacing it with Rule 15b7–1, which was proposed in May 1982. Securities Exchange Act Release No. 18710, 47 FR 20783 (May 14, 1982). Proposed Rule 15b7–1, would still, however, maintain the examination and filing requirements contained in Rule 15b8–1. Alternatives to qualification examinations include the establishment of standards of training or experience. The Commission believes, however, that those standards would invlove more regulation and be more anticompetitive than the establishment of examination standards.

Timetable: Rule Review December 31, 1982.

12. Title: Rules 6a–1 and 6a–2—Form of Application and Amendments and Annual Amendments to Registration or Exemption Statements of Exchanges

Agency Contact: Judith W. Axe, Division of Market Regulation, (202) 272–2415.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.6a–1 and 17 CFR 240.6a–2.

Legal Authority: Sections 5, 6, 17 and 23 of the Exchange Act, 15 U.S.C. 78e, 78f, 78q and 78w.

Abstract: Rule 6a–1 requires an applicant for registration as a national securities exchange, or for exemption from registration, to file Form 1 with the Commission. Rule 6a–1 also requires an exchange to correct any inaccurate statements on Form 1 by filing Form 1–A. Rule 6a–2 requires each registered or exempted exchange to update its statement by filing an annual amendment. The Commission has proposed amending Rule 6a–2 and Forms 1 and 1–A to reflect changes in the regulatory scheme and technological advances. The proposed amendments would eliminate unnecessary and duplicative reporting requirements. The amendments also would require audited financial statements regarding the exchange and its affiliates and subsidiaries. The Commission is presently reviewing public comments on the proposed amendments. The Commission will weigh the potential financial burden on the exchanges imposed by the audited financial reports requirement against the potential benefit to the Commission's oversight program before taking final action on the proposed amendments.

Timetable: NPRM Release No. 34–18843 (June 25, 1982). Comments June 25, 1982–September 4, 1982.

Final Action January 3, 1983.

13. Title: Rule 6a–3—Supplemental Material

Agency Contact: Judith W. Axe, Division of Market Regulation, (202) 272–2415.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.6a–3.

Legal Authority: Section 5, 6, 17 and 23 of the Exchange Act, 15 U.S.C. 78e, 78f, 78q and 78w.

Abstract: Rule 6a–3 requires each registered or exempted exchange to supplement its application and annual amendment by filing the following three Types of information with the Commission: (a) notification of any action taken by the exchange which renders its application or annual statements inaccurate; (b) copies of any material which the exchange issues or makes generally available to members of the exchange; and (c) monthly reports concerning the securities activity on the exchange for that month.

The information filed pursuant to Rule 6a–3 is designed to enable the Commission to carry out its statutorily mandated oversight functions and to assure that exchange continue to be in compliance with the Act. The Commission is in the initial stages of its review of this rule. Accordingly, alternatives to the rule, as well as their costs and benefits, have not yet been considered.

Timetable: Rule Review December 31, 1982.

D. Investment Management Rules

1. Title: Rule 206(4)-2 Under the Investment Advisers Act of 1940 ("Advisers Act")

Agency Contact: Arthur E. Dinerman, Division of Investment Management, (202) 272-2079.

Effects on Small Business: No.

CFR Citation: 17 CFR 275.206(4)-2.

Legal Authority: Section 206 and 211 of the Advisers Act, 15 U.S.C. 80b-6 and 806-6 and 806-11.

Abstract: The rule requires investment advisers who have custody or possession of the funds or securities of any client to follow certain practices and procedures as to those funds or securities. The purpose of the rule is to assure the safety of clients' assest which are in the possession of their investment adviser. One alternative to the rule might be to require those investment advisers who have custody or possession of clients' funds or securities to purchase a suitable bond. The staff has not yet determined the costs related to this alternative approach.

Timetable: Final Action April 2, 1962; 27 FR 2149. Rule Review October 31, 1982.

III. Completed Actions

A. Disclosure Rules

1. Title: Revisions to Guide 5 and Related Amendments

Agency Contact: William L. Larsen, Special Counsel, Division of Corporation Finance, (202) 272-2589.

Action: Final Rule Release No. 33-6405 (June 3, 1982) 47 FR 25120. (June 16, 1982).

Abstract: In June 1982, the Commission approved the publication of revisions to Guide 5, "Preparation of Registration Statements Relating to Interests in Real Estate Limited Partnerhships," of the Securities Act Industry Guides and the adoption of related amendments. The publication of the Guide revisions and related rulemaking culminated a major cooperative effort with the Subcommittee on Financial Statement and Track Record Disclosure of the North American Securities Administrators Association. The changes in Guide 5 comprehensively revised disclosure requirements concerning the prior experience and performance of sponsors of public real estate programs by standardizing and simplifying required disclosure. In a related rule change, Rule 3-14 of Regulation S-X, "Special Instructions for Real Estate Operations to be Acquired, " was amended to allow, under certain circumstances, presentation of one year of audited financial statements for individual properites acquired by the partnerships, instead of three years, as was formerly required.

2. Title: Expanded Availability of Form S-18 Registration Statement

Agency Contact: Suzanne S. Brannan, Attorney, Division of Corporation Finance, (202) 272-2644.

Action: Final Rule Release No. 33-6406 (June 4, 1982). 47 FR 25126 (June 10, 1982).

Abstract: The adoption of the amendments to Form S-18 followed the notice and comment period begun in March 1982. Pursuant to the Securities Act, Form S-18 is a simplified registration form available for offerings of $5 million or less and is intended to provide an effective means for small issuersto raise limited amounts of capital through a registered public offering. The availability of the form was expanded to limited partnerships and other non-corporate issuers and to issuers that engage, or intend to engage, in oil and gas related operations. In addition, the amendments to Form S-18 revised the disclosure requirements of the form by cross-reference to the appropriate disclosure provisions in Regulation S-K.

3. Title: Regulation S-K—Standard Instructions for Filing Forms Under the Securities Act and the Exchange Act

Agency Contact: Robert Pincus, Attorney, Division of Corporation Finance, (202) 272-2589.

Action: Rule Review Release No. 33-6383 (March 3, 1982). 47 FR 11380 (March 16, 1982.)

Abstract: Review of Regulation S-K was undertaken in conjunction with the adoption of the Commission's intergrated disclosure system. Regulation S-K is the repository of standard disclosure requirements for registration statements and reports under the Securities Act and the Exchange Act. Regulation S-K serves to simplify registrants' preparation of documents by consolidating all substantive disclosure requirements into a single Regulation. As the compendium of substantive disclosure requirements, Regulation S-K is a major component of the Commission's integrated disclosure program. In addition to centralization and standardization of disclosure requirements, the review of Regulation S-K facilitated elimination or updating of outmoded disclosure requirements.

4. Title: Regulation C—Registration, Regulation 12B—Registration and Reporting

Agency Contact: Robert Pincus, Attorney, Division of Corporation Finance, (202) 272-2589.

Action: Rule Review Release No. 6383, March 3, 1982. 47 FR 11380, March 16, 1982.

Abstract: Review of Regulation C under the Securities Act and Regulation 12B under the Exchange Act was undertaken in conjunction with the adoption of the Commission's integrated disclosure system. The rules comprising Regulation C and Regulation 12B were adopted to standardize procedures of securities registration and reporting under the Securities Act and Exchange Act, to implement the statutes and to provide more specific instructions for registrants than are contained in the statutes themselves. In its development of an integrated disclosure system, the Commission consolidated requirements relating to substantive disclosure and document content in Regulation S-K and all procedural requirements relating to such disclosure in Regulations C and 12B. For example, a number of rules relating to incorporation by reference were consolidated in Rule 411 under the Securities Act and Rule 12b-24 under the Exchange Act. In addition to implementing integration, the review of these regulations was designed to eliminate inconsistencies between rules, to delete unnecessary, outmoded or duplicative rules and to update and revise the remaining provisions.

B. Securities Markets and Securities Industry Rules

1. Title: Rule 3a40-1—Designation of Financial Responsibility Rules

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272-2844.

Action: Rule Review 17 CFR 240.3a40-1.

Abstract: Review completed on July 6, 1982, in accordance with the Commission's schedule for periodic review of rules.

2. Title: Rules 10b-10 and 15c2-12—Confirmation of Transactions

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272-2844.

Action: Proposed Rule Withdrawn Release No. 34-18987, August 19, 1982; 47 FR 37919, August 27, 1982.

Abstract: The proposals to require confirmation disclosure of the amount of any mark-up or mark-down in a "riskless" principal transaction in debt

securities were withdrawn because the Commission concluded that the proposals would not achieve their purposes at an acceptable cost.

3. Title: Rule 15b10-10—Execution of Investment Company Portfolio Transactions

Agency Contact: Kathleen McGann, Senior Special Counsel, Division of Market Regulation, (202) 272-2403.

Action: Rule Review 17 CFR 240.15b10-10.

Abstract: Review completed on August 12, 1982, in accordance with the Commission's schedule, for periodic review of rules.

4. Title: Rule 15c2-11—Initiation or Resumption of Quotations Without Specified Information

Agency Contact: Kenneth Orenbach, Division of Market Regulation, (202) 272-7391.

Action: Rule Review 17 CFR 240.15c2-11.

Abstract: Review completed on July 15, 1982, in accordance with the Commission's schedule for periodic review of rules.

5. Title: Rule 15c3-1—Net Capital Requirements for Brokers and Dealers

Agency Contact: Michael Macchiaroli, Branch Chief, Division of Market Regulation, (202) 272-2372.

Action: Final Rule Release No. 34-18737 (May 13, 1982.) 47 FR 21579 (May 20, 1982.)

Abstract: The amendments to Rule 15c3-1 were adopted in connection with the Commission's overall review of the financial responsibility requirements of broker-dealers.

6. Title: Rule 17Ac2-1, Form TA-1—Application for Registration of Transfer Agents, Transfer Agent Registration Form

Agency Contact: Jonathan Kallman, Division of Market Regulation, (202) 272-2775.

Action: Rule Review 17 CFR 240.17Ac2-1, 17 CFR 249b.100.

Abstract: Review completed on June 11, 1982, in accordance with the Commission's schedule for periodic review of rules.

7. Title: Rule 17Ac3-1, Form TA-W—Withdrawal from Registration as a Transfer Agent Notice of Withdrawal from Registration as a Transfer Agent

Agency Contact: Jonathan Kallman, Division of Market Regulation, (202) 272-2775.

Action: Rule Review 17 CFR 240.17Ac3-1, 17 CFR 249b.101.

Abstract: Review completed on June 11, 1982, in accordance with the Commission's schedule for periodic review of rules.

8. Title: Rule 19h-1—Notice by a Self-Regulatory Organization of Proposed Admission to or Continuance in Membership or Participation or Association with a Member of any Person Subject to a Statutory Disqualification and Applications to the Commission for Relief Therefrom

Agency Contact: Larry Bardfeld, Division of Market Regulation, (202) 272-7471.

Action: Rule Review 17 CFR 240.19h-1.

Abstract: Review completed on July 13, 1982, in accordance with the Commission's schedule for periodic review of rules.

C. Public Utility Holding Company Act Rule

1. Title: Rule 7(a)—Companies Deemed Not To Be Electric or Gas Utility Companies

Agency Contact: James E. Lurie, Division of Market Regulation, (202) 272-7648.

Action: Rule Review 17 CFR 250.7(a).

Abstract: Upon completion of rule review it was concluded the rule would not have a significant economic impact upon a substantial number of small entities.

D. Investment Management Rules

1. Title: Adoption of Automatic Effectiveness Rule for Post-Effective Amendments Filed by Insurance Company Separate Accounts

Agency Contact: Aviva Grossman, Division of Investment Management, (202) 272-7321.

Action: Final Rule Release No. 33-6402 (May 14, 1982.) 47 FR 22356 (May 24, 1982.)

Abstract: In Securities Act Release No. 6402 (May 14, 1982) [47 FR 22356 (May 24, 1982)], the Commission adopted Rule 486 under the Securities Act (17 CFR 230.486) providing for automatic effectiveness of post-effective amendments to registration statements filed by insurance company separate accounts. Rule 486 is based on current Rule 485 under the Securities Act (formerly 465) permitting automatic effectiveness of amendments filed by registrants other than insurance companies. The rationale for the rule is that certain routine filings do not need staff review before effectiveness and that registrants should take greater responsibility for compliance of these filings with the federal securities laws.

2. Title: Adoption of Automatic Effectiveness Rule for Certain Unit Investment Trust Registration Statements

Agency Contact: Kathleen A. Jackson, Division of Investment Management, (202) 272-2751.

Action: Final Rule Release No. 33-6401 (May 7, 1982). 47 FR 20290 (May 12, 1982).

Abstract: In Securities Act Release No 6401 (May 7, 1982) [47 FR 20290 (May 12, 1982)], the Commission adopted Rule 487 under the Securities Act (17 CFR 230.487) pursuant to which registration statements filed by certain unit investment trusts would be permitted to become effective automatically, without staff review, on a date and at a time designated by the registrant, provided the registrant complied with certain conditions and made certain representations. Unlike management companies, unit investment trusts sell units in a portfolio of securities that is fixed at inception. Certain unit investment trusts issue units in series, and often there is no difference between a newly registered series and preceding series other than the specific composition of the portfolio. Automatic effectiveness pursuant to the rule is available only in this circumstance.

3. Title: Rule 2a-5—Under the Investment Company Act; Certain Persons Not Deemed Interested Persons

Agency Contact: Elizabeth K. Norsworthy, Division of Investment Management, (202) 272-2048.

Action: Rule Review 17 CFR 270.2a-5.

4. Title: Rule 5b-1—Under the Investment Company Act; Definition of "Total Assets"

Agency Contact: Elizabeth K. Norsworthy, Division of Investment Management, (202) 272-2048.

Action: Rule Review 17 CFR 270.5b-1.

5. Title: Rule 5b-2—Under the Investment Company Act; Exclusion of Certain Guaranties as Securities of the Guarantor

Agency Contact: Elizabeth K. Norsworthy, Division of Investment Management, (202) 272-2048.

Action: Rule Review 17 CFR 270.5b-2.

6. Title: Rule 6b-1—Under the Investment Company Act; Exemption of Employees' Securities Company Pending Determination of Application

Agency Contact: Elizabeth K. Norsworthy, Division of Investment Management, (202) 272-2048.

Action: Rule Review 17 CFR 270.6b-1.

7. Title: Rule 17g–1—Under the Investment Company Act; Bonding of Officers and Employees of Registered Management Investment Companies

Agency Contact: Elizabeth K. Norsworthy, Division of Investment Management, (202) 272–2048.

Action: Rule Review 17 CFR 270.17g–1.

8. Title: Form N–1—Under the Investment Company Act; Registration Statement of Open-End Management Investment Companies

Agency Contact: Eric H. Pookrum, Division of Investment Management, (202) 272–2118.

Action: Rule Review 17 CFR 274.11.

9. Title: Form N–2—Under the Investment Company Act; Registration Statement of Closed-End Management Investment Companies

Agency Contact: Eric H. Pookrum, Division of Investment Management, (202) 272–2118.

Action: Rule Review 17 CFR 274.11a–1.

10. Title: Rules 203–1, 204–1, 204–3; Form ADV, ADV–S—Under the Investment Advisers Act; Investment Adviser Registration and Annual Reports

Agency Contact: Arthur Dinerman, Division of Investment Management, (202) 272–2079.

Action: Rule Review 17 CFR 275.203–1; 17 CFR 275.204–1; 17 CFR 275.204–3; 17 CFR 279.1; 17 CFR 279.6.

11. Title: Rule 204–2—Under the Advisers Act; Books and Records to be Maintained by Investment Advisers

Agency Contact: Arthur Dinerman, Division of Investment Management, (202) 272–2079.

Action: Rule Review 17 CFR 275.204–2.

12. Title: Rule 206(4)–3—Under the Advisers Act; Cash Payments for Client Solicitations

Agency Contact: Arthur Dinerman, Division of Investment Management, (202) 272–2079.

Action: Rule Review 17 CFR 275.206(4)–3.

IV. Public Comment

The Commission invites public comment on its agenda and on the rules scheduled for review.

Dated: September 24, 1982.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–27938 Filed 10–27–82; 8:45 am]

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Federal Register

Thursday
October 28, 1982

Part XLIX

Tennessee Valley Authority

October 1982 Regulatory Agenda

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

October 1982 Regulatory Agenda

AGENCY: Tennessee Valley Authority.

ACTION: October 1982 Regulatory Agenda.

SUMMARY: As a nonregulatory agency, TVA originates very few regulations and thus does not ordinarily have agenda items to announce. However, TVA currently has one regulation under development on the recovery of administrative costs associated with certain real property in TVA custody and control, and with certain actions under Section 26a of the TVA Act.

ADDRESS: Tennessee Valley Authority, Office of the General Counsel, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: For further information about the rule being developed, contact John R. Paulk, Director of Land and Forest Resources, Tennessee Valley Authority, 101 Natural Resources Building, Norris, Tennessee 37828, (615) 632–6450; or Henry M. Crine, Jr., Chief, Management Services Staff, 535 Chestnut Street Tower II, Chattanooga, Tennessee 37401, (615) 751–2831.

Agenda

TVA is developing a proposed regulation for recovery of fair and equitable administrative costs associated with the disposition and use of real property in TVA custody and control and the resolution of violations of Section 26a of the TVA Act which requires that TVA approve plans for the construction, operation, or maintenance of dams, appurtenant works, or other obstructions affecting navigation, flood control, or public lands or reservations in the Tennessee River system, prior to the construction, commencement of construction, operation, or maintenance of such structures. TVA has determined that this rule, which is authorized by the TVA Act of 1933, *as amended*, 16 U.S.C. 831–831dd (1976; Supp. IV, 1980) and the Independent Offices Appropriations Act of 1952, Pub. L. No. 82–137, will not be a "major" rule under E.O. No. 12291 and will not have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6) (Supp. 1980). If made final, the rule will appear in 18 CFR chapter XIII.

W. F. Willis,

General Manager.

[FR Doc. 82–28236 Filed 10–27–82; 8:45 am]

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